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AUTHOR Cook, Gary L.; Nussbaum, Thomas J.
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ABSTRACT

Presenting guidelines for student attendance accounting developed by the Chancellor's Office of the California Community Colleges, this manual provides an update to the original guide published in 1983. Chapter 1 explains general items such as the academic calendar, admissions policies, student classification by enrollment status, and conditions affecting apportionment. Chapter 2 discusses residency regulations and requirements, providing general definitions related to residency and explaining legal requirements for determining residency and issues related to military personnel, tacking, and exceptions. Chapter 3 reviews attendance accounting for full-time equivalent students (FTES), covering reporting periods, reporting date procedures, determining attendance, required classifications for reporting of hours of attendance, computation of FTES, application of attendance procedures, and flexible calendar operations. Chapter 4 explains procedures for audit accountability, detailing general considerations, requirements, suggested information to supplement documentation, audit resolution processes, required documentation tabulations, and record retention and destruction of records. Finally, chapter 5 presents accounting procedures for apprenticeship courses of related and supplemental instruction, focusing on attendance and funding. (TGI)

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ED 401 958

CALIFORNIA COMMUNITY COLLEGES

Student Attendance Accounting Manual

SEPTEMBER 1996

JC 960 696

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PREFACE

The publication of this revised Student Attendance Accounting Manual reflects the on-going efforts of the Chancellor's Office, members of the Student Attendance Accounting Committee, and the California Association of Community College Registrars and Admissions Officers (CACCRAO).

The Manual had been delayed by a sequence of inflexible circumstances since the previous Student Attendance Accounting Manual was published long ago, in July of 1983. Staff have been involved in at least five revisions of the Manual since the earlier publication, and even with all of those efforts, the completion of the project seemed uncertain. Completion would not have been possible without the inestimable service of those mentioned above, as well as Ralph Black of the Legal Office and Helen Simmons of Fiscal and Business Services, who have lead us through the innumerable complex issues of student attendance accounting and residency determination.

Legislative changes and the implementation of various procedures related to community colleges' measurement of student workload and residency issues have been on-going, and even as this Manual is issued, there have been changes that call for further revision. We invite any recommendations and suggestions related to improvements of this document.

Gary L. Cook, Acting Vice Chancellor
Fiscal Policy

Thomas J. Nussbaum
Acting Chancellor

Sacramento
September 1996

CHAPTER 1

GENERAL

CHAPTER 1. GENERAL

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CHAPTER 1

GENERAL

ACADEMIC CALENDAR

College (Fiscal) Year

The fiscal year for community colleges begins on July 1 of each calendar year and ends on June 30 of the following calendar year.

Reference: T5 59040

Academic Year

That portion of the college year during which the regular (day) college is maintained for not less than the required minimum days of instruction and/or evaluation in order to qualify for full apportionment from the State School Fund.

Reference: T5 59041

Regular (Day) College

All programs and courses of credit or noncredit instruction offered by a community college regardless of time of day offered. Programs and courses offered by an "evening" or "adult" college separately established by the district governing board pursuant to Education Code, Section 78401 are excluded.

Reference: ECS 78401

Flexible Calendar

A community college district board may offer, subject to the approval of the Chancellor's Office and in accordance with rules and regulations adopted by the Board of Governors, courses under a flexible calendar. The sum of the days in the academic year of a district operating pursuant to a flexible calendar shall be at least 175 days, and at least 160 of these days must meet or exceed the standards for counting a day prescribed by the Board of Governors pursuant to Title 5 Section 58120 and 58142 of the California Code of Regulations. Districts may designate any time during the fiscal year an amount of flexible time for an instructor. Not more than 8.57 percent per instructor's contractual obligation for hours of apportionment eligible classroom instruction in the academic year, exclusive of any intersessions, may be designated by a district to conduct staff, student, and instructional improvement activities. The time designated for these activities shall be known as flexible time. (For Flexible Calendar Operations, see Chapter 3.)

Reference: T5 55720-55729, T5 58120, T5 58142

Semester

Common usage has designated a semester as being a period of instruction and examination one-half of the required days of instruction for an academic year.

Quarter

Common usage has designated the quarter as being a period of instruction and examination one-third of the required days of instruction for an academic year.

Primary Term

The governing board of each community college district shall establish a single primary term for each of its colleges of not less than ten weeks in length. (See Chapter 3 for additional discussion.)

Reference: T5 58003.1

Credit courses scheduled coterminously with the primary term are those courses scheduled to meet the same number of weeks (including final examination scheduling) as the primary term.

Reference: T5 58003.1(b), T5 58004

Intersessions

A community college district may maintain intersessions (including summer intersessions) in accordance with rules and regulations adopted by the Board of Governors.

Reference: T5 55702

Change in Academic Year Terms

Prior to any change in academic year terms, including the addition, deletion, shortening or lengthening of any term, the district governing board shall request and obtain approval of the Chancellor.

Reference: T5 55702

Census Week (See Weekly Student Contact Hour Procedure, Chapter 3.)

In general, the census week (weekly student contact hour procedure) is the week nearest to one-fifth of the number of weeks in the primary term and applies only to credit courses scheduled regularly with respect to the number of hours the course meets in each scheduled week, and scheduled coterminously with the district's primary term (include independent study and work experience education courses for the purpose of identifying the census week for such courses scheduled coterminously with the primary term).

To identify the census week for primary term length courses (coterminous), multiply the number of weeks the course is scheduled to meet by 0.2 (using standard rounding rule) with the

exception that regardless of the primary term length (not less than 10 weeks), the census date may not be earlier than Monday of the third week. This administrative decision leaves only two choices for primary term census week: third or fourth.

Reference: T5 58003.1(b), T5 58782

Each week of the primary term must include at least three days of instruction or examination.

Reference: T5 58004

Census Date

For credit courses scheduled coterminously with the primary term, the census date is Monday of census week. If the census date falls on a holiday, the next succeeding instructional day is designated as the census date.

Reference: T5 58003.1(b), T5 58782

Census Day (See Daily Student Contact Hour Procedure, Chapter 3.)

The census day concept is applicable only to credit courses scheduled to meet five or more times, and scheduled to meet for the same number of hours for each scheduled meeting, and not scheduled coterminously with a primary term (include independent study and work experience education courses for the purpose of identifying the census day). In daily census courses, only those days for which a course is actually scheduled to meet are counted for attendance purposes (exclude holidays and includes the day of the final examination if one is scheduled).

Reference: T5 58003.1(c), T5 58782

These courses may be scheduled at any time of the college year. All summer or other intersession credit courses of five or more days in length also are included in this category.

Census for these courses is taken on the scheduled day of the course that is nearest one-fifth (0.2) of the number of days for which each course is scheduled to meet. The attendance is to include students actively enrolled as of the last day of business in the course prior to census day. In contrast to weekly census procedure courses that limit the census to be no earlier than the third week, census days for daily census procedure courses are not subject to the third day limitation.

Note: For short-term daily census courses where the census falls on the first day of the course, the enrollment is to reflect the active enrollment as of the end of the first day, and the census is on the second day.

The standard rule for rounding decimal fractions is to be applied as follows:

Example:

Scheduled Number of Census Day Course Sessions:

20	x	0.2	=	4.0	=	4th Meeting
19	x	0.2	=	3.8	=	4th Meeting
18	x	0.2	=	3.6	=	4th Meeting
17	x	0.2	=	3.4	=	3rd Meeting
16	x	0.2	=	3.2	=	3rd Meeting
15	x	0.2	=	3.0	=	3rd Meeting
14	x	0.2	=	2.8	=	3rd Meeting

Holidays do not pose a problem in determining census for these courses since they are not scheduled to meet on holidays.

Saturday/Sunday

For apportionment purposes community colleges may count classes conducted on any non-holiday day of the week including Saturday and Sunday. Saturdays and Sundays may be counted toward the "175-day requirement" if the level of instructional activity meets conditions for inclusion as one of the 175 days (at least 50% of the preceding year's average daily hours of course offerings).

Reference: ECS 79020, T5 58120, T5 58142

Drop Date -- Attendance Accounting

The drop date shall be no later than the end of business of the day immediately preceding the beginning of the census week in weekly census procedure courses, or the day immediately preceding census day in daily census procedure courses, and is the date used to clear the rolls of inactive enrollment for attendance accounting purposes. (See Inactive Enrollment, Chapter 4.)

Reference: T5 58004, T5 58782

Residence Determination Date

The day immediately preceding the opening day of instruction of the quarter, semester, or other session as set by the district governing board. (See Chapter 2.)

Reference: ECS 68023, T5 54002

Mandatory Holidays

All colleges must be closed on the following holidays: January 1, third Monday in January, February 12, third Monday in February, last Monday in May, July 4, first Monday in September, November 11, Thanksgiving Day as proclaimed by the President of the United States, and December 25. If any of these dates falls on a Saturday, the preceding Friday is the holiday; if any falls on Sunday, the succeeding Monday is the holiday. These days do not count towards the required 175 days of instruction and evaluation. There are specific allowances for flexibility for Veterans Day or Lincoln Day.

Reference: ECS 79020

Other Holidays

The district governing board may determine and must declare which other holidays it will observe and on what days it will observe them. Any holiday for which a college is closed cannot count toward the required days of instruction and examination.

Reference: ECS 79020

ADMISSION AND ENROLLMENT

General

The Education Code provides that the district governing board may/shall admit certain persons to the college(s) under its jurisdiction. In the following list it is presumed that an appropriate college official, acting within the policy of the district, may/shall admit students.

1. Shall admit any California resident, and may admit any nonresident, possessing a high school diploma or equivalent, such as a Certificate of Proficiency by the State Board of Education.

Reference: ECS 76000

a. Certificate of Proficiency

May be awarded to any person 16 years of age or older who has enrolled in the tenth grade for at least one academic year and passes a proficiency examination established by the Department of Education and shall be the equivalent to the high school diploma.

Reference: ECS 48412

b. California High School Equivalency Certificate (GED)

May be awarded to persons who are at least 18 years of age and have passed a general education development test approved by the Department of Education and shall be deemed equivalent to the high school diploma for purposes of public employment requirements.

Reference: ECS 51425

2. May, by rule, determine whether there shall be admitted, as a provisional student, any other person over the age of 18 who is capable of profiting from the instruction offered.

Reference: ECS 76000

3. May admit any apprentice as defined in Section 3077 of the Labor Code who is capable of profiting from the instruction offered.

Reference: ECS 76000

4. May admit to a regular term as a special part-time student any student whose admission is recommended by the school principal and consented to by the parents. The students recommended by the school district are those who would benefit from advanced scholastic or vocational courses. Credit for courses completed shall be at a level determined to be appropriate by the school district and community college district.

   A special part-time student, for purposes of ECS 76001, is one who may enroll in up to, and including, 12 units per semester.

Reference: ECS 48800, ECS 48802, ECS 76001(a)

5. May admit to a regular term as a special full-time student any student upon a parent or guardian's petition to, and authorization by, the governing board of the school district in which the student is enrolled. Such students are required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

Reference: ECS 48800.5(a), ECS 76001(b)

6. May admit as a special part-time or full-time student a student who is not enrolled in a public school upon a parent or guardian's petition to, and authorization by, the President of a community college, based on the fact that the student would benefit from advanced scholastic or vocational course(s).

Reference: ECS 48800.5(a),(b), ECS 76001(b)

7. Any student who attends as a special full-time student under Education Code, Section 48800.5 (and ECS 76001(b)) is exempt from compulsory school attendance.

Reference: ECS 48800.5, ECS 76001(b)

8. May admit to a summer intersession, as a special part-time student, any student with parental consent:

   a. Whose admission is recommended by the high school principal.

   b. Who has demonstrated adequate preparation in the discipline to be studied.

   c. Who has availed himself or herself of all opportunities to enroll in an equivalent course at his or her school of attendance.

Reference: ECS 76001(c)

   d. The number of such persons recommended shall not be in excess of five percent of the total number of students who have completed a particular grade immediately prior to the time of recommendation.

   e. The student shall receive credit for courses as determined to be appropriate by the school district or community college district.

f. If a community college district agrees to provide a high-school district's summer school it must include in such arrangements the following conditions in order to meet requirements of law:

(1) The community college must have a formal mutual agreement with the high school district to offer such courses.

Reference: ECS 8511, ECS 76001(d),(e)

(2) The courses must meet the Title 5 criteria for the conduct of courses which includes that community college credentialed instructors must teach the course.

Reference: T5 55002

(3) All courses must be open to the general public, published in the official catalog and/or schedule of classes; and, no priority enrollment may be given to high school students.

Reference: T5 58051.5, T5 58102-58108

9. May admit students who are inmates of any city, county, or city and county jail, road camp, farm, or federal correctional facility. The attendance hours of such students are to be counted for apportionment of state funds, if all requirements of statute and regulations are met. Funding will be at the noncredit rate, whether the course is credit or noncredit.

Reference: ECS 70901, ECS 84810.5, CCFS-320

10. Shall admit students under the jurisdiction of the Department of the Youth Authority if they otherwise qualify. They shall be admitted as district resident students.

Reference: ECS 84531

11. May admit nonresidents and international students. The attendance hours of such students shall not be counted for apportionment of state funds, except for students enrolled in specified noncredit classes.

Reference: ECS 76140, ECS 76380, ECS 84757; T5 58007, T5 58050

CLASSIFICATION BY ENROLLMENT STATUS

Enrolled Student

A student who has been admitted to the college and who is officially enrolled in one or more courses.

Reference: Admin.

No Show (Student)

An enrolled student who has not attended one or more courses at any time.

Reference: Admin., T5 58004(c)(1)

Drop (or Dropped) Student

An enrolled student who has canceled enrollment in a course or for whom such disenrollment has been initiated by the instructor or other college authority in accordance with Title 5 Section 55202 and college policy.

Reference: Admin., T5 58004, T5 58202, T5 58508

Student Withdrawal (from a course)

A withdrawal in this context has the same meaning as a drop (as indicated above) initiated by the student.

Reference: Admin.

Withdrawal (from college)

An enrolled student who (a) has initiated action to cancel enrollment in all courses or (b) has had such action initiated by authorized college personnel in accordance with college policy.

Reference: Admin.

CONDITIONS AFFECTING APPORTIONMENT

General Requirement

Units of full-time equivalent student (FTES) are to be reported for State apportionment if all requirements of statute and regulation are met, whether or not funding is available.

Reference: T5 58003.1, T5 58050, T5 58051, T5 58051.5, T5 58052-58060, T5 58780, T5 58782, CCFS-320

Required Days of Instruction and Evaluation

1. All community college districts must maintain a minimum of 175 days of instruction, including districts with approved flexible calendar operations. Flexible calendar districts may designate an amount of time during the fiscal year an amount of flexible time for an instructor to participate in approved flex-time activities. Not more than 8.57 percent per instructor's contractual obligation for hours of apportionment eligible classroom instruction in the academic year, exclusive of summer intersessions, may be designated as release time (from instruction) for purposes of conducting staff, student, and

instructional improvement activities. The approved flexible days shall be included for purposes of meeting the required 175 days of instruction.

Reference: T5 55700-55729, T5 58120, T5 58142

A flexible calendar district must still meet the minimum day requirements of instruction and/or examination for at least 160 days of the academic year (i.e., considering a maximum of 8.57percent release time for faculty). The required number of days of instruction depends on the approved number of days, or percentage of flex time, allowed under a district's flex calendar configuration. (See Flexible Calendar Operations, Chapter 3.)

Reference: T5 55700, T5 55720, T5 55724

2. For any district which fails to meet the required minimum days of instruction and examination, the Board of Governors shall withhold from the district the product of 0.01143 times the district's apportionment, times the number of days the district is short the required days of instruction.

Reference: T5 58142

Conditions for Inclusion as One of the Required Days of Instruction

1. For a day to count towards meeting the requirements of California Code of Regulations, Title 5 Section 58142, the total districtwide hours of course offerings scheduled during the day must be at least fifty percent (5O%) of the preceding year's average daily hours of course offerings (computed by dividing the previous fiscal year's total scheduled hours of apportionment-eligible course offerings by the total number of days of scheduled instruction during the same fiscal year).

Reference: T5 58120.

Days of final examination may be counted toward meeting the requirements of Title 5 Section 58142, provided that:

a. Such examinations are administered under the immediate supervision and control of an instructor who is an employee of the district; and

b. Not more than fourteen days of final examinations are counted for any academic year.

Reference: T5 58120(b)

3. Registration and commencement activities cannot be included as part of the minimum day requirement.

4. Holidays cannot be counted.

Reference: ECS 79020; T5 58120

Immediate Supervision

1. Immediate supervision is one of the requirements of the California Code of Regulations for a course to generate FTES eligible for State apportionment. Immediate supervision or presence is characterized by all of the following:

   a. The academic employee is able, in terms of physical proximity and range of communication, to provide immediate instructional supervision and control; and

   b. The academic employee is in a position to provide the supervision and control necessary for the protection of the health and safety of students; and

   c. The academic employee is not to have any other assigned duty during the instructional activity for which attendance is being claimed.

Reference: Title 5 55002(b)(4), T5 58051(a)(1), T5 58056, T5 58058

2. The criteria are to be applied in recognition of the fact that the need for immediate supervision will vary according to the course being offered, as well as with the design or mode of instruction of such course or program.

3. In computing full-time equivalent student (FTES) of a district, attendance is included of students enrolled in approved courses or programs of independent study, who are under the supervision, control, and evaluation but not necessarily in the "immediate presence" of an academic employee of the district.

Note: All distance education courses are to be accounted for under the independent study method of attendance accounting. However, fully interactive distance education courses shall not be considered independent study for purposes of calculating FTES for state apportionment. (See Distance Education, page 18.)

Reference: T5 55300ff,T5 55370,58003.1,T5 58051(a)(2),T5 58056(b)(1)

4. "Immediate supervision" in work experience education programs is outlined in the training agreement, coordinated by the district under a state-approved program, wherein the employer and academic employee of the district share the responsibility for on-the-job supervision.

Reference: T5 55250, T5 58051(b), T5 58056(b)(2)

5. In clinical activities for allied health (dental lab, nursing programs, etc.) "immediate supervision" means student participation in such programs wherein the person to whom the student is required to report for training, counseling, or other prescribed activity shares the responsibility for the supervision of the students with an academic employee of the district.

Reference: T5 58055(a), T5 58056(b)(3)

6. "Immediate Supervision" in educational programs sponsored by the California Firefighter Joint Apprenticeship Program means in the context of classes conducted at the

workplace, student participation in classes instructed by a person who is qualified by means of education or experience, as a journey person, and shares the responsibility for supervision of the students participating in the classes with an academic employee of the district.

Reference: T5 58055(b)

Instructional Aides

1. Instructional aides are classified employees who are employed to assist classroom teachers and other academic employees of the district. Instructional aides may not be assigned a class and shall not be deemed an academic employee for apportionment purposes. Therefore, where an instructional aide is assigned a class (is the "instructor of record"), the contact hours generated in such a class do not qualify for apportionment purposes.

Reference: ECS 72401, ECS 88240ff, T5 58056(c)

2. Attendance may qualify under the following limited circumstances:

   a. The assistant or aide functions under the exclusive direction of the academic employee of the district, assigned to that educational activity, and not independently; and,

   b. The assistant or aide performs only those duties specifically authorized by law.

   c. The academic employee of the district is able, in terms of physical proximity and range of communications, to provide necessary supervision and control of students.

Reference: ECS 72401, 88240ff; T5 55002(b)(4), T5 58051(a)(1), T5 58056(c)

Learning Assistance

Only the attendance in scheduled and supervised instructional activities required of all students enrolled in a course may be claimed for apportionment purposes.

Attendance for supplemental learning assistance activities in a course shall be reported for state apportionment only when such activity is required of all students and is offered during scheduled course hours; or, when learning assistance is offered in a related laboratory course meeting standards for apportionment.

Reference: T5 58172

Tutoring

Attendance may be claimed for individual student tutoring under the following circumstances:

1. The tutoring is conducted in a designated tutoring center which is supervised by an

academic employee of the district who meets the minimum qualifications for the curriculum, as determined by the college,

2. All tutors shall be approved by a faculty member from the discipline or disciplines in which the student will tutor.

   The requirement that a tutor successfully complete a course in tutoring methods may be waived on the basis of advanced degrees or equivalent training.

3. All students receiving tutoring are enrolled in a noncredit course entitled, "Supervised Tutoring," and are enrolled on the basis of an identified learning need by a counselor or instructor.

4. Attendance in such courses generate FTES on a positive attendance basis.

5. Student tutors may be remunerated but not granted academic credit for tutoring.

6. No state apportionment shall be claimed for tutoring services for which state categorical funds are being paid.

Reference: T5 58170ff, T5 58782

Employee of the District

1. A person is an employee of the district if:

   a. The district has the primary right to control and direct the person's activities during the time such person is serving the district; and,

   b. A contract exists between the person and the district, which may include provisions which specify the terms and conditions of work, salary and other compensation, work to be performed, and employment classification; and,

   c. The district compensates the person according to an adopted salary or wage schedule. A salary or wage schedule may include $l or $0 compensation per year if adopted by the governing board.

Reference: T5 58051(a)(1), T5 58058

2. A district also may contract for instruction to be provided by a public or private agency. Such contracts shall specify that the district has the primary right to control and direct the activities of the person or persons furnished by the public or private agency during the term of the contract. In addition, the district shall enter into a written contract with each person furnished by the public or private agency. In this manner an individual employed will continue to be an employee of a public or private agency, while at the same time qualifying as an employee of the district.

Reference: T5 58051(a)(1), T5 58058

3. The employee of the district also must meet the following requirements relative to the activity for which attendance is being claimed:

   a. It must authorize the holder to provide instruction in the particular subject matter or matters; and

   b. It must authorize the holder to provide that instruction during the period in which the holder is providing it.

Reference: T5 58060

Approved Courses Eligible for Apportionment Purposes

Attendance for apportionments shall not be reported unless:

1. The course is in an educational program that has been approved by the Board of Governors; or

Reference: ECS 70902(b), T5 55100ff; California Community Colleges Curriculum Standards Handbook

2. The course itself was approved by the Board of Governors.

Reference: T5 55100ff

Open Enrollment

1. Attendance in courses which are not open to the general public shall not be reported for apportionment. Exceptions are made for special noncredit classes for disabled adults, for credit and noncredit courses for inmates of any city, county, or city and county jail, road camp, farm for adults, or federal correctional facility, for those in state hospitals, and for apprenticeship classes.

Reference: T5 58051.5, T5 58051.6, Labor Code Section 3074.3, CCFS-320 CP

2. Every community college district shall provide access to its services, courses, and programs without regard to race, religious creed, color, national origin, ancestry, disability, or gender.

Reference: ECS 262, 72011, 72015; Government Code Section 11135; T5 59300 (et. seq.)

3. A statement regarding adopted district board policy shall be published in the official catalog, and/or schedule of classes for which FTES is reported for State apportionment.

Reference: T5 51006, 58102, 58104

4. The description of each course shall be clear and understandable to the prospective student and shall be published in the official catalog, and/or schedule of classes, and/or addenda. The description may indicate that the course is designed to meet certain specialized needs, but must indicate the course is available to all qualified students. No

group or individual shall receive notice prior to the general public for purposes of preferential enrollment, limiting accessibility, or exclusion of qualified students.

Reference: T5 58102, T5 58104, T5 58106

5. All courses shall be open to enrollment by any student who has been admitted to the college, except that students may be required to meet prerequisites pursuant to Title 5 section 55200-55202. In addition, districts may limit enrollment in a course based on:

   a. Health and safety considerations,

   b. Facility limitations,

   c. Faculty workload,

   d. The availability of qualified instructors,

   e. Funding limitations,

   f. Constraints of regional planning, or

   g. Legal requirements imposed by statute, regulations or contracts.

6. The district governing board shall adopt fair and equitable policies and procedures for determining who may enroll in affected courses. Such procedures may limit enrollment on a "first-come, first-served" basis or utilize other non-evaluative selection techniques.

7. Registration as an indentured apprentice in a program approved by the Division of Apprenticeship Standards of the Department of Industrial Relations is an acceptable prerequisite to enrollment in a class of related and supplemental instruction.

Reference: LCS 3074.3, 3077

8. All courses conducted must be clearly described in the official general catalog and/or addenda and listed in the schedule of classes.

Reference: T5 58104

9. Announcement of course offerings must be reasonably well publicized and not limited to a specialized clientele.

Reference: T5 58104

10. No registration procedures shall be used that result in restricting enrollment to a specialized clientele.

Reference: T5 58108

11. The following registration procedures are permissible: special registration assistance to

the disabled or disadvantaged students as defined by statute, for the purpose of providing equalization of educational opportunity; and enrollment of students in accordance with a priority system established by the local governing board.

Reference: T5 56026(e), T5 58108

12. Students will not be required to participate in any pre-registration activity not uniformly required; nor shall nonacademic requisites be placed or enforced as barrier to enrollment in or to successful completion of a class.

Reference: T5 58108

13. With respect to accessibility to off-campus sites and facilities, no student is to be required to make any special effort not required of all other students in registering in any course or course section. Once enrolled in the course, all students must have equal access to the site.

Reference: T5 58108

14. Colleges are not obligated to admit students to classes, courses or programs beyond the limitations imposed by physical facilities, availability of qualified instructors, funding limitations, and the constraints of regional planning.

Reference: T5 58106, T5 58108

Courses Not Eligible for State Support

The following courses cannot be reported for State support:

a. Community service classes

Reference: ECS 78300

b. Noncredit classes in:

(1) Recreational physical education;

(2) Recreational dancing; or

Reference: T5 58130

(3) Any noncredit course or class which is not set forth in Education Code Section 84757 or Title 5 Section 58050(a)(5).

Reference: ECS 84757; T5 58050(a)(5), T5 58160

c. Any course in which the district receives full compensation for direct educational costs from any public or private agency, individual or group of individuals.

Reference: T5 58050(a)(4), T5 58051.5

Apprenticeship Classes of Related and Supplemental Instruction Maintained Pursuant to Labor Code, Section 3074

Indentured apprentices enrolled in courses of related and supplemental instruction maintained pursuant to LCS 3074 do not generate FTES. Students other than indentured apprentices enrolled in such courses continue to generate FTES on a positive attendance basis.

Reference: LCS 3074, T5 58008, CCFS-321

Attendance of indentured apprentices in courses other than apprenticeship courses of related and supplemental instruction is accounted for in the same manner as for other students in such courses. (See Chapter 5.)

Reference: CCFS-320, CCFS-321

Courses and Programs for Disabled Students

Attendance for general apportionment purposes in courses for disabled students shall qualify under the following circumstances:

a. The course shall be open to enrollment and participation by any student pursuant to Title 5, Section 58106. Exceptions are made for special courses for disabled adults (noncredit courses).

Reference: T5 58051.5(2)

b. The course shall include only those scheduled contact hours for instruction and/or laboratory under the direct supervision of a qualified instructor who is an academic employee of the district;

c. Only the attendance of students taking such courses for the first time, or students making progress on the basis of an Individual Educational Plan (IEP) may be counted.

Reference: ECS 84850, T5 56000ff,

Field Trips

1. The attendance of a student on an authorized field trip or excursion may be considered attendance for apportionment purposes.

Reference: T5 55450

2. No more contact hours shall be reported for a field trip or excursion than if the class were held on campus. Not more than 48 hours of attendance per unit of credit earned can be claimed per student.

Reference: T5 58166

3. No group shall be authorized to take a field trip or excursion if any student who is a

member of the identifiable group will be excluded from participation because of his/her lack of sufficient funds.

Reference: T5 55450(d)

Inmate Education

Attendance of students who are inmates of any city, county, or city and county jail, road camp, farm for adults, or federal correctional facility, enrolled in credit and/or noncredit courses may be counted for apportionment purposes.

A district is allowed an amount equal to the prior year's level of funding, the actual current expense of conducting such courses, or the current noncredit rate per FTES, whichever is the lesser.

Reference: ECS 84810.5, T5 58051.6, CCFS-320 CP

Such courses conducted under Title 5 Section 58051.6 shall conform to the criteria and standards adopted under Education Code, Section 70901(b)(1)(d) and shall be submitted to the Board of Governors for approval.

In-Service Training Courses

Attendance of students in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations must be reported separately. At least 15 percent of classroom spaces of such courses must be open to non-service students if they request such enrollment.

Reference: PCS 832.3, T5 58051(c)(d)

Intercollegiate Athletic Courses

Attendance of students in approved intercollegiate athletics may be claimed for apportionment; however not more than 175 hours of attendance can be claimed for each student in each fiscal year for any single sport.

Districts must institute controls to truncate contact hours to allowable amounts. This limitation on class hours for apportionment purposes has no bearing on the total number of hours that may be required of a student in a given sport.

Reference: T5 58162

Open Entry/Open Exit Courses

Students may enroll in open entry/open exit courses at varying times, progress at varying paces, and receive varying units of credit. The courses may be conducted with or without regularly scheduled hours.

Reference: T5 58006, T5 58164

Apportionment attendance cannot be claimed for more than two times the class hours normally required to complete the course.

Reference: T5 58164

Distance Education

1. Distance education means instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology.

2. For apportionment purposes, all distance education courses are independent study courses.

3. The FTES for credit courses are to be calculated in the same manner as other independent study courses (daily or weekly student contact hour procedure). However, **fully interactive** distance education courses as defined by the Chancellor shall not be considered independent study for purposes of calculating state apportionment.

4. All distance education noncredit courses shall be conducted as independent study, and the FTES is calculated as described in Title 5 Sections 58003.1(f) and 58007. (See Chapter 3, page 13 and 14, 6.d.)

Reference: T5 55370, T5 58003.1(f), T5 58007

Course Repetition

1. Attendance in a course in which a student has previously received a grade may be repeated once for apportionment purposes, only if:

   a. The student is repeating the course to alleviate substandard work which has been recorded on the student's record.

   b. The student's previous grade is the result of extenuating circumstances (as defined by the district).

   c. It has been determined by the college that student should repeat a course because there has been a significant lapse of time since the student previously took the course (as determined by the district).

Reference: T5 58161(b)

2. Apportionment for repetition of courses for which substandard work has not been recorded shall be permitted only upon petition of the student and with the written permission of the district superintendent or authorized representative based on extenuating circumstances which justify such repetition.

Reference: T5 55763

3. The attendance of a student repeating a course for other than the circumstances listed

in (1) above, may be claimed for apportionment purposes, for not more than three semesters or five quarters upon approval of the Chancellor in accordance with the following procedure:

a. The course is identified and published in the district catalog of courses as repeatable.

b. Each such identified course is one in which the content or focus differs each time it is offered and provides the repeating student the opportunity to gain an expanded educational experience because:

(1) Skills are enhanced; or

(2) Active participatory experience is a basic means to achieve learning objectives.

c. The district must develop and implement a system for monitoring such repetition.

Reference: T5 58161(c)

4. Activity course repetitions shall be restricted to no more than three semesters or five quarters per subject matter, or per course (irrespective of the number of repeats in other courses within a common subject matter), if the course is part of a sequenced transfer curriculum in the visual and performing arts disciplines (music, fine arts, dance or theater arts).

Reference: T5 58161(c); Admin.

5. Course repetition for disabled students as defined in Education Code Section 84850 is subject to the course repetition limitation; however, districts are authorized to permit additional repetitions under, but not limited to, the following circumstances:

a. When continuing success of the student in other general and/or special class is dependent on additional repetitions of a specific class;

b. When additional repetitions of a specific special class are essential to completing a student's preparation for enrollment into other regular or special classes; or;

c. When the student has a student educational contract which involves a goal other than completion of the special class in question and repetition of the course will further achievement of that goal.

Reference: T5 56029

CHAPTER 2

RESIDENCY REGULATIONS AND REQUIREMEMTS

CHAPTER 2. RESIDENCY REGULATIONS AND REQUIREMENTS

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CHAPTER 2

RESIDENCY REGULATIONS AND REQUIREMENTS

DEFINITIONS

General

Residency determination shall be made for each student at the time applications for admission are accepted, and whenever a student has not been in attendance for more than one semester or quarter. For apportionment purposes, residency determination may be required on a course-by-course basis.

Reference: ECS 68040, 68044; T5 54000, 54002, 54010

Residence

That location with which a person is considered to have the most settled and permanent connection; it is also the place where that person intends to remain, and, during absences, intends to return. Residence results from the union of physical presence with objective evidence that the intent is to remain at that place for other than a temporary purpose.

Reference: ECS 68062, T5 54020

Student

For purposes of residence determination only, a person enrolled in or applying for admission to a community college.

Reference: ECS 68015

Resident

A student who has established both physical presence and intent to make California the permanent home (domicile), for more than one year pursuant to the Education Code (commencing with Section 68060), as of the residence determination date.

Reference: ECS 68017, ECS 68060

Nonresident

A student who has not established residence in California for one year as of the residence determination date.

Reference: ECS 68018

Nonresident Tuition

Except as otherwise provided in statute, a student classified as a nonresident shall be required to pay in addition to other fees required, a nonresident fee.

Note: A district may exempt a student who is a resident of another state from the mandatory fee requirement (or a reduced fee) under certain conditions, and the student may be considered a resident for apportionment purposes as prescribed under ECS 76140 subsections (i), (j), and (k).

Reference: ECS 68050, ECS 76140

District Resident

A student who has residence within a community college district in California.

Reference: ECS 68018, ECS 68060

Nondistrict Resident

A student who does not have residence within a community college district in California, or a student who, (a) was graduated from a high school which is situated in territory not within a district, and (b) whose parent resides in such territory.

Reference: ECS 68020

District

A community college district maintaining one or more community colleges.

Reference: ECS 68021

Residence Determination Date

That day immediately preceding the opening day of instruction of the quarter, semester, or other session as set by the district governing board, during which the student proposes to attend a college.

Reference: ECS 68023, T5 54002

Physical Presence

A person capable of establishing residence in California must be physically present for one year prior to the residence determination date, excluding temporary absences for business, education or pleasure.

Reference: ECS 68018, T5 54022

Institution

Any university or college of the California State University and Colleges, the University of California, or any California Community College.

Reference: ECS 68011

State Agency

Every office, department, division, bureau, board or commission of the state of California.

Reference: ECS 69620

Age of Majority

Eighteen years of age or older.

Reference: Civil Code Section 25.1

Parent

The father or mother with whom the minor resides; or, if both parents are deceased, his or her legal guardian.

Reference: ECS 68014

International Student

An international student is a citizen of a foreign country, or a resident of a foreign country, or both.

Reference: ECS 76140

Continuous Attendance

For residence determination purposes at a community college, means active, continuous, full-time enrollment for a normal academic year at such institution since the beginning of the period or which attendance is claimed. Nothing in this section shall require a student to attend summer intersession or other terms beyond the normal academic year in order to render his or her attendance "continuous."

Reference: ECS 68016

Full Time

Enrollment for 12 or more semester or quarter units of credit.

The standard applying to full time in summer intersession should be established by the district governing board.

Reference: ECS 68016

GENERAL LAW

Criteria

To determine a person's place of residence, reference is made to the following statutory rules:

1. Every person has, in law, a residence.

2. Every person who is married or 18 years of age, or older, and not precluded from doing so, may establish residence.

3. In determining the place of residence the following rules are to be observed:

   a. There can only be one residence.

   b. A residence is the place where one remains when not called elsewhere for labor or other special or temporary purposes, and to which he or she returns in seasons of repose.

   c. A residence cannot be lost until another is gained.

   d. The residence can be changed only by the union of act and intent.

   e. A man or a woman may establish his or her residence. A person's residence shall not be derived from that of his or her spouse. Many of the objective manifestations of the two may be shared, but each may have some evidence of intent that is not shared, which may indicate different residences.

   f. The residence of the parent with whom an unmarried minor child maintains his or her place of abode is the residence of the unmarried minor child. When the minor lives with neither parent his or her residence is that of the parent with whom he or she maintained his or her last place of abode. The minor may establish his or her residence when both parents are deceased and a legal guardian has not been appointed.

Note: The conditions in 3.f. apply unless the minor is precluded by the Immigration and Nationality Act from establishing residence in the United States.

   g. The residence of an unmarried minor who has a parent living cannot be changed by his or her own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control, unless the student qualifies under the Self-Support or the Two-Year Care and Control exception. (See Self-Support, item 2, page 14, or Two Year Care and Control, item 6, page 15.)

   h. An alien, including an unmarried minor alien, may establish his or her residence unless precluded by the Immigration and Nationality Act from establishing residence in the United States. (See subsection f., above.)

   i. Physical presence within California solely for educational purposes does not

allow a student to establish residence, regardless of the length of time present in the state.

Reference: ECS 68060, 68061, 68062; T5 54022, 54045

Residence Questionnaire and Supplemental Residence Questionnaire

When a student does not answer all of the questions on the Residence Questionnaire or on the Supplemental Residence Questionnaire, if one is used, and residency cannot be determined, the student may be classified as a nonresident.

Reference: T5 54012, 54026

Evidence of Intent

1. Under the Education Code, the general rule is that a student must pay nonresident tuition unless the student can qualify as a resident student or meet the requirements of certain special provisions. Since the concept of residence involves subjective intent, this manual cannot anticipate every question that will arise in connection with determining whether such intent exists.

Reference: ECS 76140 [see exceptions in (i),(j), and (k)], T5 54020

No one factor is controlling, however, the institution may look for certain objective manifestations of subjective intent on the part of one asserting that residence status has been established, or has been maintained in spite of an absence from the state.

a. A student who is 19 years of age or older and maintained a home in California continuously for the last two years may be presumed to have the intent to make California the permanent home unless the student has evidenced contrary intent by having engaged in any of the activities listed in item 3., page 6.

b. A student who is under 19 years of age may be presumed to have intent to make California the permanent home if both the student and his of her parent maintained a home in California continuously for the last two years unless the student or parent has evidenced a contrary intent by having engaged in any of the activities listed in item 3., page 6.

c. A student who does not meet the requirements of subsection a. or b., above, shall be required to provide evidence of intent to make California the permanent home as specified in item 2., below.

Reference: T5 54024

2. **Among acceptable evidence of intent to make California the student's permanent home are:**

a. Ownership of residential property or continuous occupancy of rented or leased property in California.

b. Registering to vote, and voting in California.

c. Licensing from California for professional practice.

d. Carrying on of a business or employment in California.

e. Active resident membership in service or social clubs.

f. Presence of spouse and/or dependent children in the state.

g. Continuous presence in the state except for absences which can be explained without conflicting with establishment of residence.

h. Indicating a California address on California State and Federal income tax forms (i.e., W-2, 540, 1040...).

i. Payment of California personal income tax as a resident. (See Military Personnel, page 11).

j. Possessing California motor vehicle license plates. Payment of a vehicle license fee is not required of nonresident military personnel. (An exemption may be filed.) Thus, payment of the fee is some indication of intent to be a California resident.

k. Possessing California driver's license or a California Department of Motor Vehicles (DMV) identification card (Vehicle Code Sections 12502 and 12505 require a resident to obtain a California driver's license within 10 days from date residence is established.). For purposes of the DMV, residence is established when, after a move to California, a person rents, leases, or buys property in the state.

l. Maintaining a California address as the home of record in military records and on the Leave and Earnings Statement (LES) while in the armed forces. (See Military Personnel, pages 10-12.)

m. Maintaining active savings and checking accounts in California banks.

n. Petitioning for a divorce as a resident of California.

o. Possession of hunting or fishing license as a resident of California.

Reference: T5 54024

3. **Conduct inconsistent with a claim for California residence includes but is not limited to:**

a. Maintaining voter registration and voting in another state.

b. Being a petitioner for a divorce or lawsuit as a resident in another state.

c. Attending an out-of-state institution as a resident of that state.

d. Declaring nonresidence for California income tax purposes.

Reference: T5 54024; Voluntary Tax Assistant Program Guidelines of 1990, California Franchise Tax Board

Burden

The burden is on the student to demonstrate clearly, with proof, both physical presence in California and intent to establish California residence.

Reference: ECS 68041, T5 54026

Absence During Time of Residence

1. A student who is attempting to establish one year of residence in California but who returns to his or her former residence or to the home of his or her parents in another state or country for periods when the institution is not in session, should be subject to question as to whether he or she has the necessary intent to establish residence in California. Absences by the student from California during this period, or if the student is a minor, absences of the person from whom the student's residence is derived, for reasons of business or vacation may not necessarily indicate lack of intent to establish or maintain residence.

Reference: ECS 76143, T5 54022, 54024

2. For purposes of the nonresident tuition fee, a community college district shall disregard the time during which a student living in the district resided outside the state, if:

   a. The change of residence to a place outside the state was due to a job transfer and was made at the request of the employer of the student or the employer of the student's spouse or, in the case of a student who resided with, and was a dependent of, the student's parents, the change of residence was made at the request of an employer of either of the student's parents and,

   b. Such absence from the state was for a period of not more than four years and,

   c. At the time of application for admission to a college maintained by the district, the student would qualify as a resident if the period of the student's absence from the state was disregarded.

3. A nonresident tuition fee shall not be charged to a student who meets each of the conditions specified in subdivisions a. to c., inclusive.

Reference: ECS 76143, T5 54022, 54024

Resident Student Elsewhere

Classification of a student as a resident for tuition purposes by an out-of-state university or college generally establishes him or her as a nonresident of California as of that time. Normally, he or she will have to establish California residence and hold it for a year until he or she is entitled to similar classification in California. However, it is conceivable that his or her classification in the other state was a result of an exception similar to the exceptions provided in California law. If the student can show this, the pertinence of such classification would be overcome. Of course, the student would still have to affirmatively establish that he or she is a resident of this state.

Reference: ECS 76143, T5 54024

Change of Residence

Any student who is classified as a resident, but who becomes a nonresident at any time by virtue of a change of residence, by his or her own action or by the person from whom his or her residence is derived, is obliged to notify the classifying institution at once.

Reference: ECS 76143

Derived Residence, Special Applications

Because of the language of Education Code, Section 68062(f) which gives to a minor the residence of the parent, the following rules apply:

a. Where the residence of the student is derived, the California residence of the person or persons from whom it is derived must satisfy the one year waiting period requirement.

b. A minor adopted by a California resident who has been a resident for one year immediately prior to the residence determination date, immediately takes that resident status. No waiting period applies.

c. A minor child of permanently separated parents takes the resident status of the parent with whom he or she lives, without any waiting period applying. If the minor lives alone, he or she takes the resident status of the parent with whom he or she last lived. (See Minor Aliens, item 7, page 25.)

Reference: ECS 68062(f),(h),(i)

Deceased Parents

1. When both parents are deceased, and no legal guardian has been appointed, a minor may establish his or her own residence. Until the minor does so, his or her residence remains that of the last parent to die. The one year waiting period runs from the date of arrival or one year from the date of the parent's death. If the residence of the last parent to die was California, the minor's derived residence may be tacked to the newly established residence.

2. If a guardian is appointed for a minor any time after the death of the minor's parents, the minor takes the residence of the guardian. If that be California, the one year waiting period runs from the date of appointment, subject to applicable tacking. (See Tacking, page 13.)

Reference: ECS 68014, 68062

Parents of Minor Move to California

If the parents of a minor move to California leaving the minor behind, the minor takes the parent's California resident status when acquired. If the minor remains outside California after reaching the age of majority and then comes to California, the minor is to be treated the same as a person possessing California residence who had left California and then returned. The minor should be screened with the objective of determining if he or she had acquired out-of-state residence. One factor to be checked in such a screening would be whether the minor had attended an out-of-state educational institution where resident status for tuition purposes had been granted or denied. (The minor may be eligible for an exception to prior law. See: Adult Dependent Child of California Resident, page 17.)

Reference: ECS 68061, 68062, 68076

Reestablished Residence

If a student or the parents of a minor student relinquish California residence after moving from California, one full year of physical presence, coupled with one full year of demonstrated intent to be a California resident, is required to reestablish residence.

Reference: T5 54030

Financial Independence

1. A student seeking reclassification as a resident, who was classified as a nonresident in the preceding term, shall be determined financially independent or dependent in accordance with Education Code, Section 68044.

2. Financial dependence in the current or preceding calendar year shall weigh more heavily against California residence than shall financial dependence in earlier calendar years.

3. A student who has established financial independence may be reclassified as a resident if the student has met the requirement that there be a union of act and intent as defined in Title 5, Section 54020.

4. Financial independence is only one of the factors to be considered in reclassification to resident and should be balanced against other factors, such as the passage of time, the parents' residence, and the student's intent to establish residence elsewhere. The ultimate question is whether the student has demonstrated intent to become a California resident. The regulations would permit a college to disregard a finding of financial dependence where the parent on whom the student is dependent is a California resident or where there is no evidence of intent to establish residence in another state; however,

since financial status is only one factor to be considered, a college may still wish to require some affirmative showing of intent to become a California resident.

Reference: ECS 68044, T5 54020, 54032

MILITARY PERSONNEL

1. General Rule

a. Active members of the military who are present in California under military orders, except those assigned to California for educational purposes, are exempt from nonresident tuition for the duration of their enrollment at a community college.

(1) There is no requirement for the military person to establish residence; however, the student must be on active duty assigned to California as of the residence determination date.

(2) If the military person becomes separated from the military service, he or she would be required to provide evidence of intent to establish California residence for a minimum of one year prior to the residence determination date. (See Soldiers' and Sailors' Civil Relief Act of 1940, Item 2, below.)

(3) A student who was a member of the military stationed in California on active duty for more than one year immediately prior to being separated from the military is entitled to resident classification for up to one year for the time he or she resides in California. This one-year waiver after the military person's discharge allows the time necessary to establish residence. After the one-year waiver, the student would provide evidence as to his or her California residence.

b. Being the child, stepchild, or spouse (dependents) of the military person, does not, of itself, entitle the student to resident status. In fact, only clear and unambiguous evidence of an intention to abandon the old domicile and adopt a new residence will be sufficient for a person who comes to California as a dependent of a member of the armed forces of the United States who comes to a jurisdiction in obedience to orders. A one-year waiver period is provided for dependents to establish residence. (See **Dependents of Military Personnel**, page 15.)

Reference: ECS 68074, 68075, 68075.1; T5 54041, 54042

2. Soldiers' and Sailors' Civil Relief Act of 1940

For purposes of providing evidence as to the discharged military person's intent for California residence, in addition to the objective manifestations asked of other students, there would be the necessity for further information as to intent, i.e., including the changing of the home of record in military records, changing the permanent home

address in military records, not taking advantage of the exemption from payment of California income tax and/or personal property taxes contained in the Soldiers' and Sailors' Civil Relief Act of 1940.

a. **Home of Record and Permanent Home Address.**

A military "home of record" is a historical fact. It is the place recorded on official military documents as the:

(1) Military person's home upon being commissioned, reinstated, appointed, reappointed, enlisted, reenlisted, inducted, or ordered into active duty.

(2) It may be changed only at the time one of the above events occurs, although it is subject to correction at any time for bona fide error.

(3) A Change in home of record to California is persuasive evidence of an intent to become a California resident, if coupled with military legal residence being California (DD 2058).

Similarly, the occurrence of changing the legal residence to that of another state is persuasive evidence that the military person does not intend domicile in California.

(4) Less persuasive, but still evidence to be considered, is a listing of California as a "permanent home address" in military records. This can be done during the interim between occurrences of the above listed events. However, once one of those events occurs, failure to change the home of record eliminates the "permanent home address" as an item of proof of intent to be considered. In fact, as just noted, such failure is persuasive evidence of a lack of intent to establish California as the state of residence.

b. **Income Tax**

(1) Personal income from military service is exempt from state income tax levied by a state of which a military person is not a resident (Soldiers and Sailors' Civil Relief Act of 1940). Thus, if a military person pays income tax on his military income to the State of California, such payment would tend to indicate he or she considered himself or herself a resident of California at the time the payment was made.

(2) Credit is allowed against California income tax for taxes paid by military persons to other states (Rev. and Tax. Code Section 17067) by one temporarily out of the state, as for example, a California resident in military service stationed in another state.

c. **Personal Property Tax.**

Payment of personal property tax is required of all persons having personal property in the State of California on the assessment date, with the exception of

nonresident military personnel. The latter are given immunity to personal property tax by the Soldiers' and Sailors' Civil Relief Act of 1940. That Act, in pertinent part, provides:

(1) For the purposes of taxation in respect of any person, or of his personal property, income, or gross income, by any State, Territory, possession, or political subdivision of any of the foregoing, or by the District of Columbia, such person shall not be deemed to have lost a residence or domicile in any State, Territory, possession, or political subdivision of any of the foregoing, or in the District of Columbia, solely by reason of being absent therefrom in compliance with military or naval orders, or to have acquired a residence or domicile in, or to have become resident in or a resident of, any other State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, while, and solely by reason of being, so absent. For the purposes of taxation in respect of the personal property, income or gross income of any such person by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, of which such person is not a resident or in which he is not domiciled, compensation for military or naval service shall not be deemed income for services performed within, or from sources within, such State, Territory, possession, political subdivision, or District of Columbia, and personal property shall not be deemed to be located or present in or to have a situs for taxation in such State, Territory, possession, or political subdivision, or District of Columbia. Where the owner of personal property is absent from his residence or domicile solely by reason of compliance with military or naval orders, this section applies with respect to personal property, or the use thereof, within any tax jurisdiction other than such place of residence or domicile, regardless of where the owner may be serving in compliance with such orders: Provided, that nothing contained in this section shall prevent taxation by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia in respect of personal property used in or arising from a trade or business, if it otherwise has jurisdiction...." (Emphasis added).

3. **Active Military Who are Residents of California**

a. Active military who are residents of California stationed in California are required to pay California income tax on their military or other income sources.

b. Active military who are residents of California stationed outside the state are not required to pay California income taxes on their military income. However, military persons are required to pay income taxes on all other income sources.

c. If the military person has been out of California for any length of time and has not paid income taxes, to determine whether California residence has been maintained, evidence would be "home of record" in military documents, and/or the Leave and Earnings Statement (LES). The LES indicates the military

person's home of record, and if it indicates California, the military person is "subject" to California taxes.

Source: Voluntary Tax Assistant Program Guidelines of 1990 and Legal Ruling Number 300, 1965, California Franchise Tax Board

4. **Entry into Service After Establishing California Residence but Before Having that Residence for a Full Year**

A person who moves to California with the intention of establishing residence here, and who enters the military service before a year has elapsed, may still be classified as a California resident if he or she has, at the residence determination date, otherwise met the durational requirement, and has not in the interim, established residency elsewhere. In other words, if he or she arrived in California with intent to establish residence in this state, subsequent absences will not preclude the residence-for-a-year from being realized, if he or she did not establish residence elsewhere during the absence.

Reference: ECS 68074, 68075; T5 54022, 54028

Tacking

1. The term "tacking" refers to the process of adding one period of resident student qualification to another so as to satisfy the one year waiting period requirement.

2. Tacking is utilized in the following cases:

   a. Adding the immediate pre-majority derived California residence to the post-majority residence to satisfy the durational requirement.

   b. Shifting derivative residence, as when the derivation shifts from a father, who dies, to the mother.

   c. Shift in residence of a minor from deceased parents to a legal guardian, or none appointed, to minor's own elected residence.

Reference: ECS 68072

EXCEPTIONS

General

A resident student is a person who has had residence in California for more than one year immediately preceding the residence determination date as established by the district governing board. However, in some instances, a student may obtain resident classification (for a prescribed period) even though a year has not passed since the student arrived in California.

Reference: ECS 68017, 68023, 68060, 68062

Nonresident Minors

1. Parent was California Domiciliary Who Left. A student who remains in this state after his or her parent, who was theretofore domiciled in California for at least one year immediately prior to leaving and has, during the student's minority and within one year immediately prior to the residency determination date established residence elsewhere, shall be entitled to resident classification until the student has attained the age of majority and has resided in the state the minimum time necessary to become a resident, so long as, once enrolled, the student maintains continuous full-time attendance at an institution.

Requires:

a. Parent must have been domiciled in California for at least one year prior to leaving, and,

b. Parent must have left California to establish domicile elsewhere within one year of resident determination date and,

c. Student once enrolled maintains continuous full-time attendance at an institution.

d. Student is under age nineteen and in process of becoming a resident as defined on pages 5 and 6.

Reference: ECS 68070

2. **Self-Support**

a. A student who has been entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date, with the intention of acquiring a residence therein, shall be entitled to resident classification until he or she has resided in the state the minimum time necessary to become a resident.

Requires:

(1) Student must be under 19 on residence determination date.

(2) Student must be entirely self-supporting.

Reference: ECS 68071

b. A student claiming application of the self-supporting exception must provide evidence to the admissions officer such as:

(1) Documentation, including W-2 forms or a letter from employer, showing earnings for the year immediately preceding residence determination date of attendance.

(2) A statement that the student was actually present for said year (short absences from the state for business or pleasure will not preclude the accumulation of time), and

(3) A statement showing all expenses of the student for said year.

(a) A loan made by a bank to the parent who turns over the proceeds to the minor negates self-support.

(b) A loan made by a bank to the student without the parent co-signing or endorsing the student's note indicates self-support. Co-signing or endorsement by parent negates self-support, since the student is then being supported by parent's credit.

(c) A loan made by parent to the student negates self-support.

(4) If requirements (1) and (2) are met, the student is treated as having the capacity to establish his or her own residence so he or she would be screened just as would an adult.

Reference: ECS 68071, T5 54040

3. **Dependents of Military Personnel.** (See page 16.)

4. **Minor Aliens:** (See page 25.)

5. **Continuing Exception Under Prior Law. (See Exceptions Limited to the Minimum Time Necessary to Become a Resident,** page 20.)

6. **Two-Year Care and Control**

A student shall be entitled to resident classification if, immediately prior to enrolling at an institution, he or she has lived with and been under the continuous direct care and control of any adult or adults, other than a parent, for a period of not less than two years, provided that the adult or adults having such control have been domiciled in California during the year immediately prior to the residence determination date. This exception shall continue until the student has attained the age of majority and has resided in California the minimum time necessary to become a resident, so long as continuous full-time attendance is maintained at an institution.

Requires:

a. The student has lived under the direct care and control of an adult, other than a parent for two years immediately preceding the residence determination date, and

b. Such adult has, for the year immediately preceding the residence determination date, had California residence, and

c. Full-time continuous enrollment by the student.

Reference: ECS 68073, T5 54047

7. **Child of Employee. (See Nonresident Employees, page 16.)**

8. **Agricultural. (See Agriculture Employment, page 19.)**

Dependents of Military Personnel

1. A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in California on active duty shall be entitled to resident classification until he or she has resided in California the minimum time necessary to become a resident.

   Should that member of the armed forces of the United States whose dependent natural or adopted child, stepchild, or spouse is in attendance at an institution, be thereafter transferred on military orders to a place outside the continental United States where the member continues to serve in the armed forces of the United States, the student dependent shall not lose his or her resident classification.

Reference: ECS 68074, T5 54041

Requires:

a. Student must be spouse or natural or adopted child or stepchild of the armed forces member stationed in California or military person outside of California on active duty on residence determination date; or that the military person has, after the residence determination date, retired as an active member of the armed forces.

b. Student must be a dependent for income tax purposes of that member of armed forces, and

c. Student must not have lived in California for more than one year since arriving or since attaining age 18, whichever came later.

   (1) For adults this is one year.

   (2) For minors this is one year after attaining age 18.

2. Continuing Exception Under Prior Law. **(See Exceptions Limited to the Minimum Time Necessary to Become a Resident, page 20.)**

Nonresident Employees and/or Their Dependents

1. A person who is a full-time employee of an institution or of any state agency (See definition on page 3.), or a student who is a spouse or child of a full-time employee of an

institution or of any state agency, may be entitled to resident classification until he or she has resided in the state the minimum time necessary to become a resident.

Reference: ECS 68079

Requires:

a. The student must be a full-time employee of any California Community College, California State University or Colleges, the University of California, or the California Maritime Academy; or the parent or spouse of the student must be such an employee.

b. The student is a child or spouse of a person employed full time by any state agency (See definition on page 3.) and is assigned to work outside of California.

c. The student must not have lived in California for more than one year since arriving or since attaining age 18, whichever came later.

(1) For adults this is one year.

(2) For minors this is one year after attaining age 18.

2. See **Exceptions Limited to the Minimum Time Necessary to Become a Resident**, page 20, for period during which this exception is applicable.

Adult Dependent Child of California Resident

1. A student who has not been an adult resident of California for more than one year and is the dependent child of a California resident shall be entitled to resident classification until the student has resided in California the minimum time necessary to become a resident so long as continuous attendance is maintained at the college. Thereafter, such student must meet the requirements for establishing residency.

Requires:

a. The student must be an adult natural or adopted child of a California resident who has satisfied the one-year waiting period requirement;

b. The student is a dependent for income tax purposes of that California resident, or evidence is provided that the student is currently dependent on parent who is a California resident, even though the student had previously been claimed for income tax purposes by a parent who resided outside of California.

c. The student must not have lived in California for more than one year.

d. The student must maintain continuous attendance at the college.

Reference: ECS 68076

2. **Continuing Exception Under Prior Law. (See Exceptions Limited to the Minimum Time Necessary to Become a Resident,** page 20.)

Employees of Public Schools

1. A student holding a valid public school credential authorizing service in the public schools of this state who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution shall be entitled to resident classification if such student meets any of the following requirements:

Reference: ECS 68078, T5 54046

a. Holding of a provisional public school credential and enrollment at an institution in courses necessary to obtain another type of credential authorizing service in the public schools.

b. Holding a public school credential issued pursuant to Section 44250 and enrollment at an institution in courses necessary to fulfill the credential requirements.

c. Enrollment at an institution in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Section 44259.

Requires:

(1) Compliance with a, or b, or c, and

(2) Student must hold a valid credential authorizing service in California public schools, and

(3) Student must be employed full time by a public school during the year he will attend, and

(4) The position must require certification qualifications.

Reference: ECS 68078, T5 54046

2. **Continuing Exception for Public School Employees. (See Exceptions Limited to the Minimum Time Necessary to Become a Resident,** page 20.)

Apprentices

A student claiming resident status as an apprentice shall provide evidence such as a card or certification from the Joint Apprenticeship Committee or the student's employer, evidencing such apprenticeship status.

Reference: Labor Code Section 3077

Requires:

A student at least 16 years of age who has entered into a written agreement called an "apprentice agreement," with an employer or his or her agent, an association of employers, or an organization of employees, or a joint committee representing both and which meets the requirements of Labor Code, Section 3077.

Agricultural Employment

1. A district may classify a student as a resident if he or she lives with a parent (who is not precluded from establishing residence by Immigration and Naturalization Service) who earns a livelihood primarily by performing agricultural labor for hire in California and other states and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, the parent lives within the district which maintains the community college attended by the student, and the parent claims the student as a dependent on his or her state or federal personal income tax returns if he or she has sufficient income to have a personal income tax liability.

2. A district may also classify a student as a district resident if he or she earns a livelihood primarily by performing agricultural labor for hire in California and other states and he or she has performed such labor in California for at least two months per year in each of the two preceding years.

Reference: ECS 68100, T5 54048

Requires:

a. Student living with parent who earns his or her livelihood primarily in agricultural labor and has performed such labor in California for at least two months each of the last two years, and resides in the district and if the parent files state and/or federal income tax returns, the student must have been included as a dependent.

b. Requires student earning his or her livelihood primarily in agricultural labor for hire and have done so in California at least two months per year for the last two years.

Graduate of School Operated by Bureau of Indian Affairs

A student who, prior to enrollment in a community college, graduated from any school located in California that is operated by the United States Bureau of Indian Affairs, is entitled to resident classification, so long as continuous attendance is maintained at the college.

Reference: ECS 68077

Students Employed by a Public Agency

1. A student who has been hired by a "public agency" may be classified as a resident for enrollment in and completion of police academy training courses.

2. "Public agency" as defined by this section means the state or any city, county, district, or

other local authority or public body of or within the state of California.

Reference: ECS 76140.5, Government Code Section 811.2

Requires:

a. Student has passed all other requirements of the public agency, and

b. Written assurances by the public agency that it intends to classify the student as a peace officer upon successful completion of the police academy training course.

Note:

(1) The provisions as stated above are intended to apply to all classes of persons defined as "peace officers."

(2) The term "police academy training" is interpreted to cover peace officer training at a college or academy.

Waivers

1. The district may authorize an exemption from nonresident tuition, in whole or in part, for:

   a. Foreign students (citizens and residents of foreign countries) attending a California Community College, provided that the nonresident has demonstrated a financial need for the exemption and not more than 10% of the nonresident foreign students are so exempted. Exemptions may be made on an individual basis.

   b. All students taking six or fewer units.

Note: If a district authorizes the exemptions cited above, the student contact hours may not be reported for state funding purposes.

Reference: ECS 76140

Exceptions Limited to the Minimum Time Necessary to Become a Resident

1. The time necessary to become a resident for tuition purposes is one year and one day. Those exceptions where duration is "the minimum time necessary to become a resident" should be granted only for the period of time a student needs to otherwise establish the one year.

2. Thus a student otherwise entitled to an exception whose term is "for the minimum time necessary to become a resident," who arrives in California on January 1, 1996 and enrolls in the Fall term, should be granted the resident classification under the exception only until January 1, 1997. For minors, the exception runs one year from the date the student becomes 18 years of age (to age 19).

Reference: ECS 68070, 68074, 68075, 68078, 68079; T5 54041, 54042, 54046, 54047, 54048, 54050

Alien Students

1. A student who is an alien may establish his or her residence pursuant to the provisions of this chapter if not precluded by the Immigration and Nationality Act from establishing domicile in the United States; provided that the student has had residence in California for more than one year prior to the residence determination date for the semester, quarter or other session for which attendance at an institution is proposed.

Reference: ECS 68062(h), T5 54045

2. An alien is precluded from establishing domicile in the United States if the alien entered the United States illegally (See item 3. and item 4., pages 21and 22.), or under a visa which requires that the alien have residence outside the United States, or that he or she entered the United States solely for a temporary purpose. An alien is precluded from establishing domicile in the United States and shall not be classified as a resident of this state if he or she holds a visa of the following types:

a.	B-1, B-2	Visitor for business or pleasure
b.	C	Alien in transit
c.	D-1, D-2	Alien crew member
d.	F-I, F-2	Academic student, spouse and children
e.	H-2, H-3	Spouse and children of temporary worker or trainee
f.	J-1, J-2	Exchange visitor, spouse and children
g.	M-1, M-2	Nonacademic or vocational student, spouse and children
h.	O-2	Alien accompanying and assisting an O-1 alien with extraordinary ability in the sciences, arts, education, business or athletics
i.	P-1	Internationally recognized athlete or entertainer
j.	P-2	Artist or entertainer entering the United States to perform under a reciprocal exchange program
k.	P-3	Artist or entertainer entering the United States to perform under a program that is culturally unique
l.	P-4	Spouse or child of P-1, P-2, or P-3 alien
m.	Q	International cultural exchange program

Reference: Immigration and Nationality Act, 8 U.S.C., 1101(a)(15), as amended by Immigration Act of 1990, Public Law 101-649, 11/29/90

3. **Undocumented Aliens**

An undocumented alien is one who entered the country illegally and has not applied for legalization pursuant to the Immigration Reform and Control Act (IRCA), or other provisions of federal immigration law. Undocumented aliens cannot become California residents because they are precluded by federal law from establishing domicile in the United States. (See item 4., below.).

In order to become capable of establishing domicile, undocumented aliens must take steps to obtain a change of status from the Immigration and Naturalization Service to a status which does permit establishing domicile (See item 4., below.)

Reference: ECS 68062(h),(i); T5 54045, Regents of the University of California v. Bradford

4. **An alien student holding one of the visas listed in item 2., page 21, or who is undocumented, shall not be classified as a resident unless and until:**

a. He or she has taken appropriate steps to obtain a change of status from the Immigration and Naturalization Service to a classification which does not preclude establishing domicile, by:

(1) Applying for permanent resident status.

(2) Applying for legalization pursuant to the Immigration Reform and Control Act.

(3) Applying for and being granted a change of status to a visa category which does permit establishing domicile.

(4) Applying for asylum.

(5) Applying for the Family Unity Program.

(6) Applying for Temporary Protected Status.

b. He or she has met the requirements related to one year of physical presence coupled with intent to make California home for other than a temporary purpose. The one-year durational period may not begin until the application has been made for a change of status as discussed in 4.a., above. Aliens seeking a visa under 4.a.(3), above, cannot be classified as a resident until the visa has been granted, but the one-year period can begin at any time after application has been filed. (See item 6., page 24, regarding aliens not precluded from establishing domicile.)

c. Evidence that an alien is in the process of adjusting his or her status to either permanent resident or to a visa category other than to one in item 2., page 21, includes, but is not limited to, one of the following:

(1) A Petition to Classify an Alien Relative, stamped as filed with INS (I-130);

(2) An employment authorization document (I-688A);

(3) A petition for Immigrant Worker, stamped as filed with INS (I-140);

(4) An approved application for an A, E, G, H-1, H-4, I, K, L, O-1, O-3, or R visa;

(5) An INS stamped Request for Asylum in the United States (I-589);

(6) An application for lawful temporary residence (I-687 or I-700);

(7) An application for the Family Unity Program (I-817);

(8) An application for Temporary Protected Status (I-821 or I-104);

(9) Other appropriate documentation from INS indicating that an application for change of status has been filed.

Note: Be aware that in many instances a person submitting an application by mail may not receive any acknowledgment from INS. Districts may wish to develop policies for permitting alternative methods for documenting that an application has been filed (i.e., an affidavit from an attorney).

Reference: ECS 68062(h),(i); T5 54045; Regents of University of California v. Bradford

5. **Out-of-Status Aliens**

An alien, as listed in item 2., page 21, continues to be precluded from establishing domicile until he or she has taken appropriate steps as described in item 4., pages 22 and 23, to obtain a change of status from the Immigration and Naturalization Service. Students should not be allowed to establish residence only by showing that they have violated the terms of their visa or stayed in this country beyond the period permitted by law. Out-of-status students also have to comply with the requirements specified in item 4., pages 22 and 23.

Once the above condition has occurred, a person must demonstrate both physical presence in California for one year coupled with intent to make California the permanent home.

Note: Even an alien who is in one of the categories that precludes him or her from establishing domicile, and has not taken steps as prescribed in item 4., pages 22 and 23, may be classified as a resident if he or she fits into one of those limited exceptions authorized by law. Those exceptions relate to: (1) minors who are self-supporting; (2) minors who reside with and are supported by California residents, other than their parent for at least two years; (3) minors whose parents were California residents who moved elsewhere within the year prior to the time the minor enters the college; and (4) minors who lived out-of-state, and returned to California as adults (and have not been in the state for a year), but are dependent children (natural or adopted) of a California resident. (ECS 68070, 68072-68082, 68100)

Reference: ECS 68062(h),(i); T5 54045; Regents of the University of California v. Bradford

6. **Students** who will be considered **eligible to establish residence** for tuition fee purposes shall include, but are not limited to the following:

a. Permanent residents, including conditional permanent residents

b. Legalized aliens (lawful temporary residents, or "amnesty students")

(1) Special Agricultural Workers (SAW) status - Immigration and Nationality Act (INA), Section 210

(2) Temporary resident status - INA, Section 245A

(3) Cuban/Haitian status - Immigration and Control Act (IRCA), Section 202

c. Spouses and unmarried children of legalized aliens who have been granted a temporary stay of deportation and work authorization - Family Unity Program - Immigration Act of 1990, Section 301

d. Aliens in Temporary Protected Status - INA, Section 244A (Salvadorans, Kuwaitis, Lebanese, Liberians, Somalians)

e. Asylees and asylum applicants- INA, Section 208

f. Nonimmigrants holding valid visas as indicated below:

(1)	A-1, A-2, A-3	Foreign government official or employee, family and servants
(2)	E-1, E-2	Treaty trader and treaty investor, spouse and children
(3)	G-1, G-2, G-3	Representative of foreign government, officer G-4, G-5 and employee of international organization, family and attendants or servants
(4)	H-1, H-4*	Temporary worker or trainee, spouse and children (Note: T-C, Trader/Canada; and T-N, or T-D, Trader/Nafta are equivalent to H-1 and H-4)
(5)	I	Representative of foreign information media, spouse and children
(6)	K	Fiancé and fiancee of U.S. citizen
(7)	L-1, L-2	Intracompany transferee, spouse and children
(8)	O-1, O-3*	Alien with extraordinary ability in the sciences, arts, education, business, or athletics, spouse and children
(9)	R	Religious occupations

* Even though dependent children holding an H-4 or O-3 visa are not precluded, their residence is derived from that of their parents. (See item 7., below)

Reference: Immigration and Nationality Act, 8 U.S.C., 1101(a)(15), as amended by Immigration Act of 1990, Public Law 101-649, II/29/90

7. Minor Aliens

a. An unmarried minor alien (if not precluded by the Immigration and Nationality Act from establishing residence in the United States) derives residence from his or her parents, pursuant to Education Code Section 68062(f).

b. A minor alien, whose parent is precluded from establishing domicile pursuant to item 2., page 21, or item 3., page 21, may be eligible for residency if the parent has taken appropriate steps to obtain a change of status from the Immigration and Naturalization Service to a classification which does not preclude establishing domicile; and, the parent has met the requirements of one year physical presence coupled with intent to make California a home for other than a temporary purpose. (See item 4., page 22 and 23.)

c. The minor children of aliens who are precluded from establishing domicile, are allowed to establish residence separately from their parents if the children were born in the United States and are United States citizens, and otherwise meet applicable California residence requirements.

Note: Such students must be allowed to establish residence because, as citizens, these individuals are entitled to the full rights that citizenship brings.

Reference: ECS 68062 (f),(h),(i); T5 54045

8. Amnesty Students

An amnesty student is a previously undocumented alien who has applied for legalization pursuant to the Immigration Reform and Control Act. (See item 6.b., page 24.)

MISCELLANEOUS

Continuous Attendance

The student whose resident classification is predicated upon one of the exceptions requiring "continuous attendance" must be reclassified as a "nonresident" for the following term if he drops below the minimum units for full time enrollment and he is not otherwise entitled to resident classification.

Reference: ECS 68016

Students Under Jurisdiction of a California Juvenile Court

1. Minor students, under placement by order of a juvenile court, in a foster home or with adults other than their natural parents are subject to the normal rules of residence for minors. If, however, the order of the court goes to a determination of parental rights -- a determination that the parent is no longer entitled to the rights as a parent -- then the facts should be reviewed for indicia of emancipation, self support, or perhaps the two year care and control exception.

2. The review of any court order should be done in consultation with the district's legal counsel -- if rules other than the normal reference to the natural parent are to be employed.

Reference: ECS 68062(f),(g), ECS 68073; T5 54047

Student Appeals Procedure

1. The college district shall notify each student of the student's residence classification not later than fourteen (14) calendar days after the beginning of the session for which the student has applied, or fourteen (14) calendar days after the student's application for admission, whichever is later.

2. Any student, following a decision on residence classification by the college, may make written appeal of that decision. Each college district shall establish procedures for appeals of residence classifications.

3. The Chancellor will advise college districts on issues of residence classification. However, the student shall have no right of appeal to the Chancellor.

Reference: T5 54070

Refunds

Each district governing board shall adopt rules providing for refund of the following nonresident tuition fees:

a. Those collected in error.

b. Those refundable as a result of a reduction of the educational program for which the fees have been paid.

c. Those refundable as a result of the student's reduction of units or the student's withdrawal from an education program for which fees have been paid, where reduction or withdrawal is for reasons deemed sufficient by the district governing board.

Reference: T5 54070

CHAPTER 3

FULL-TIME EQUIVALENT STUDENT (FTES) ATTENDANCE ACCOUNTING

CHAPTER 3. FULL-TIME EQUIVALENT STUDENT (FTES) ATTENDANCE ACCOUNTING

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CHAPTER 3

FULL-TIME EQUIVALENT STUDENT (FTES) REPORTING PERIODS

General

Full-time equivalent student (FTES) shall be reported on forms prepared by the Chancellor's Office at such times as required by law or regulation.

Reference: ECS 84501, T5 58003.4, CCFS-320

Reporting Dates for State Apportionment Reports (CCFS-320 CCFS-321, CCFS-320F)

1. The "first period" reports encompass data for July 1 through December 31 and are due in the Chancellor's Office on or before January 15.

2. The "second period" reports encompass data for July 1 through April 15 and are due in the Chancellor's Office on or before April 30.

3. The "annual" reports encompass data for July 1 through June 30 and are due in the Chancellor's Office on or before July 15.

Reference: ECS 84500, T5 58003.4

Correction of Attendance Errors

Districts are required to correct significant attendance errors found by any means. Special reports or reruns of attendance data for special purposes are no exception. Factors in the apportionment formula consider all districts in total, and any significant attendance report change in one district could impact all other districts. Every effort must be made to report accurate attendance the first time with notification to the Chancellor's Office of any major change in claimed amounts.

Procedures for correcting an officially-submitted CCFS-320 are as follows:

1. First Period -- A corrected report is not required since the Second Period Report automatically makes the corrections.

2. Second Period -- A corrected report is not required since the Annual Report automatically makes the corrections.

3. Annual Report -- Submit a CCFS-317 (FTES Adjustment Application) and a corrected Annual CCFS-320, CCFS-320F, and/or CCFS-321.

Reference: T5 58134

REPORTING DATE PROCEDURES

Census Procedure Courses

For weekly or daily census courses in primary terms, the full-time equivalent student (FTES) is to be reported in the period in which the census accounting procedure is completed, even if the course is not completed by the deadline for reporting.

For summer intersession daily census courses that cross fiscal years, the hours and FTES are to be reported in the fiscal year in which the census occurs, or when the course ends. These FTES can be selected on a courses-by-course basis.

Reference: T5 58010, T5 58782

Actual Hours of Attendance Courses

For courses for which actual student contact hours of attendance procedure is used, the full-time equivalent student (FTES) is to be reported in the period in which the course is completed, even if the course overlaps fiscal years.

Reference: T5 58010

ATTENDANCE

General

1. Only the attendance of persons who have been admitted to the college and are enrolled in one or more approved courses may be counted for apportionment purposes.

Reference: ECS 84500, T5 58050

Hours generated by a student not enrolled in, or not carrying out the instructional activities required of all students in a class, may not be claimed for apportionment purposes. Such students are defined as "**auditors**".

Reference: ECS 76370; Admin.

2. As a general rule, full-time equivalent student (FTES) cannot be allowed for a student's attendance in two or more courses which meet at the same or overlapping time; or, in two or more sections of the same course.

   It must be recognized, however, that certain conditions may force districts to reduce the number of courses and/or course sections scheduled. Without an occasional overlap in schedule, students could be denied the opportunity to complete their studies in a reasonable period of time. In order to accommodate this possibility, two alternatives are suggested that would allow the claiming of FTES:

a. The college should arrange for the student to take one of the courses as independent study (assuming the course meets the requirements for, and has been approved by, the Chancellor's Office as an independent study course); or,

b. The college may permit the overlapping schedule if (a) rational justification (scheduling convenience is not one) on a student-by-student basis can be established and can be documented by the college and (b) the college maintains documentation that each student made up the hours of overlap in the course partially or wholly not attended as scheduled at some other time during the same week under appropriate supervision.

Such procedures must be a part of the attendance accounting procedures adopted by the district governing board as required by Title 5 Section 58030.

The issue of overlapping enrollment will continue to be of interest to the Chancellor's Office and the Department of Finance. An audit finding of unsubstantiated overlap will result in the overlap time of one or the other course to be deducted.

Reference: ECS 70902, Admin.

3. Attendance is computed on the basis of regularly scheduled class hours as published in the class schedule or addenda. For courses (other than independent study and work experience education courses) in which some or all of the class hours are "to be arranged (TBA)" documentation is required to substantiate that students are under the immediate supervision and control of the appropriate employee of the district. Students shall be informed on a timely basis of their individual TBA schedule and their responsibility to adhere to the schedule.

"To be arranged (TBA)" contact hours in credit courses which meet coterminously with the primary term (WSCH procedure) shall be scheduled the same number of hours each week of the term. In courses using daily census procedure (DSCH procedure), TBA contact hours shall be scheduled for the same number of hours as for each scheduled day of the course or as a portion of the hours the course is regularly scheduled for each day it meets. Otherwise, attendance for the course must be on a positive attendance basis.

Reference: T5 58003.1, Admin.

4. For courses for which FTES is computed pursuant to Title 5 Section 58003.1(b), (c), and 58752 (census procedure), contact hours of enrollment shall not be counted for a student who is a "drop," "no-show," or a "withdrawal" at the cutoff point for the census day or date (not later than the end of business of the last college day immediately preceding the census day or date). Each college must establish an official procedure for insuring that data computed for the census day or date includes only students who are actively enrolled as of that date.

Reference: ECS 84501, T5 58004

Reporting Categories

Contact hours of the following nondiscrete categories of students must be reported separately for apportionment or other purposes:

a. Students who are state residents.

Reference: ECS 68017, CCFS-320

b. Students who are not residents of California.

Reference: ECS 68018

c. Students enrolled in credit courses.

Reference: T5 58003.2

d. Students enrolled in specified noncredit courses.

Reference: ECS 84757, T5 58007

e. Students enrolled in all in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations.

Reference: Penal Code Section 832.4, T5 58051(c),(d)

f. Students enrolled in intersessions.

Reference: T5 58003.1(c),(f)

g. Students enrolled in approved courses of independent study (includes distance education credit and noncredit courses).

Reference: T5 58003.1(f)

h. Students enrolled in work experience education courses.

Reference: T5 58003.1(f)

I. Students enrolled in credit and noncredit classes who are eligible legalized aliens or have applied for Amnesty.

Reference: Immigration Reform and Control Act of 1986 (IRCA)

j. GAIN students enrolled in a college and in a GAIN program with a valid contract (activity agreement), those referred for instruction and services by the county, as well as those students in approved self-initiated programs.

Reference: AB 2580, Chapter 1025, Statutes of 1985; CCFS-320

k. Students enrolled in courses who are inmates of any city, county, city and county jail, road camp or farm for adults, or federal correctional facility.

Reference: ECS 84810.5, CCFS-320

l. Students enrolled in basic skills courses.

Reference: ECS 84501, CCFS-320

m. Students enrolled in day courses, generally defined as beginning prior to 1630 hours.

Reference: CCFS-320

n. Students enrolled in extended day courses, generally defined as beginning on or after 1630 hours.

Reference: CCFS-320

CLASSIFICATION FOR REPORTING OF HOURS OF ATTENDANCE REQUIRED BY FORM CCFS-320

State Resident for Apportionment Purposes

1. For a student who has established residence in California, the following exceptions may in some instances require the determination of classification on a course-by-course basis:

   a. An adult student lawfully admitted to the United States and enrolled in noncredit English and/or citizenship for foreigners.

Reference: ECS 76380, T5 58003.3

   b. Any adult (including nonresident aliens lawfully admitted to the United States) enrolled in the following noncredit classes:

      (1) A class in English and citizenship for foreigners.

      (2) A class in an elementary subject.

      (3) A class for which high school credit is granted to a person who does not hold a high school diploma.

      (4) Any class offered pursuant to ECS 8531 through 8534, inclusive.

Note: The actual hours of attendance generated by nonresident students in the specified noncredit courses are converted to FTES and are included for purposes of computing state apportionment.

Reference: ECS 76380, ECS 84757

2. Broadly defined, a "state resident" is a student who has a legal residence in the State of California. (See Chapter 2 for complete information.)

3. See Chapter 5 for exception for apprentice students in apprenticeship classes of related and supplemental instruction.

Nonresident

A student who does not have legal residence in the state at the time of the residency determination date. (See Chapter 2 for further clarification.)

Reference: ECS 68018

Day Courses

Courses scheduled to begin prior to 1630 hours.

Reference: Admin.

Extended Day Courses

Courses scheduled to begin at or later than 1630 hours.

Reference: Admin.

Class Hour

The "class hour" is the basic unit of attendance for computing full-time equivalent student (FTES). It is a period of not less than 50 minutes of scheduled instruction and/or examination. There can be only one "class hour" in each "clock hour," except as provided for multiple class-hour classes. A class scheduled for less than a single 50-minute period is not eligible for apportionment. For purposes of computing full-time equivalent student (FTES), a class hour is commonly referred to as a "contact hour" or "Student Contact Hour" (SCH). (See Chapter 5 for attendance accounting procedures in apprenticeship classes of related and supplemental instruction.)

Reference: ECS 84501, T5 57001(e), T5 58023

Clock Hour

A "clock hour" is a 60-minute time frame which may begin at any time, for example, 0800 to 0900, 0810 to 0910, 0820 to 0920.

Reference: T5 58023

Passing Time/Break

Each clock hour is composed of one class hour segment and a segment referred to as "passing

time," "break," etc. . No additional attendance may be claimed for this 10-minute segment, except as provided for under "multiple class hours."

Note: The 10-minute break time permitted in each clock hour may not be accumulated during a multi-hour block scheduled class to be taken all at once and be counted for FTES purposes.

Reference: T5 58023

Partial Class Hour

A "partial class hour" is that fractional part of a class hour in a class scheduled for more than one clock hour.

Reference: T5 58023

Multiple Hour Class

1. Any period of instruction scheduled continuously for more than one clock hour.

Reference: T5 58023

2. In block scheduling each 50 minutes exclusive of breaks (formal or informal) is a class/contact hour, except that fractional part of a class hour beyond the last full clock hour may be counted from and including the 51st minute of the last full clock hour, providing there is no class break in the last full clock hour or the partial class hour. The divisor for this fractional part of a class hour shall be 50. The sum of class hours cannot exceed the total number of elapsed clock hours for which the class is scheduled.

Reference: T5 58023

Calculation of Weekly Student Contact Hours

1. One full class hour course:

*MWF 0800-0850 (excludes passing time) = 3.0 WSCH

*MWF 0810-0900 (excludes passing time) = 3.0 WSCH

*MWF 0800-0900 (includes passing time) = 3.0 WSCH

***Computation**

0800 to 0850 = 50 min. = 1 class hour in
1 clock hour = 1.0 WSCH x 3 days = 3.0 WSCH

0810 to 0900 = 50 min. = 1 class hour in
1 clock hour = 1.0 WSCH x 3 days = 3.0 WSCH

0800 to 0900 = 1 clock hour = 1.0 WSCH x 3 days = 3.0 WSCH

2. One-plus class hour course:

*TT 0800-0915 (excludes break time)	=.3.0 WSCH
TT 0810-0925 (excludes break time)	= 3.0 WSCH
TT 0800-0925 (includes break time)	= 3.0 WSCH

***Computation:**

0800 to 0850 = 50 min. = 1 class hour	=.1.0 WSCH
0850 to 0915 = 25 min. ÷ 50 = 0.5 class hours	= 0.5 WSCH
1.5 WSCH x 2 days =	3.0 WSCH

3. Two full class hours course:

*TT 0800-0950 (excludes passing time at end of class, includes one 10-minute break)	= 4.0 WSCH
TT 0810-1000 (excludes passing time at start of class, includes one 10-minute break)	= 4.0 WSCH
TT 0800-1000 (includes passing time, includes one 10-minute break)	= 4.0 WSCH

***Computation:**

0800 to 0900 = 1 clock hour	= 1.0 WSCH
0900 to 0950 = 50 min. = 1 class hour	= 1.0 WSCH
2.0 WSCH x 2 days=	4.0 WSCH

4. Two-plus class hours course:

*TT 0800-1015 (excludes passing time at end of class, includes one 10-minute break)	= 5.0 WSCH
TT 0810 to 1025 (excludes passing time at start of class, includes one 10-minute break)	5.0 WSCH
TT 0800 to 1025 (includes passing time, includes one 10-minute break)	= 5.0 WSCH

***Computation:**

0800 to 0900 = 1 clock hour	= 1.0 WSCH
0900 to 0950 = 1 class hour	= 1.0 WSCH
0950 to 1015 = 25 min. ÷ 50	= 0.5 WSCH
2.5 WSCH x 2 days	= 5.0 WSCH

5. **Three full class hours course:**

*TT 0900-1150 (excludes passing time at end of class, includes two-10 minute breaks)	= 6.0 WSCH
TT 0910-1200 (excludes passing time at start of class, includes two 10-minute breaks)	= 6.0 WSCH

***Computation:**

0900 to 1000 = 1 clock hour	= 1.0 WSCH
1000 to 1100 = 1 clock hour	= 1.0 WSCH
1100 to 1150 = 1 class hour	= 1.0 WSCH
3.0 WSCH x 2 days	= 6.0 WSCH

Reference: T5 58023

COMPUTATION OF FULL-TIME EQUIVALENT STUDENT (FTES)

General

1. **Full-time equivalent student** (FTES) shall be computed and rounded to two decimal places. When the computation results in a fraction of less than one-half unit, the FTES shall be taken as the next lowest number, except that if the computation results in an FTES of less than one unit, the FTES shall be deemed to be one unit; but if the fraction is one-half or more of a unit, the FTES shall be taken as the next highest whole number.

Reference: ECS 84501, T5 58012

2. The procedure employed to compute FTES for apportionment purposes is determined by the type of course, the way it is scheduled and its length. The attendance accounting procedure must be applied consistently for any course section. These are:

   a. Census Procedure (Includes courses of Independent Study and Work Experience Education)

      (1) Weekly student contact hour (credit) (one census point)

Reference: T5 58003.1(b),(f)(1), T5 58782

      (2) Daily student contact hour (credit) (one census point)

Reference: T5 58003.1(c),(f)(1), T5 58782

      (3) Noncredit distance education (two census points)

Reference: T5 58003.1(f)(2)

b. Actual hours of attendance (positive attendance)

Districts have the option of computing FTES by the actual hours of attendance procedure for any credit course, except courses of independent study or work experience education.

Reference: T5 58003.1(g), T5 58006

APPLICATION OF ATTENDANCE PROCEDURES

FTES Annualizer

An FTES annualizer has been added to the FTES formula because statute specifically requires the use of 525 as the divisor. The FTES annualizer is a function of the length of the academic year and the proportion of that year completed during each reporting period in terms of scheduled faculty contact hours of instruction and examination.

Measures other than faculty contact hours may be utilized to derive the annualizer, such as the district/college prior years' experience in the level of FTES generated, current enrollment gains or declines, reduction or increase in the number of courses offered, etc.. The measure that is used should closely reflect the number of FTES the district expects to generate as of the final Annual Apportionment Attendance Report.

A separate annualizer must be computed at the first and second reporting period for each college attendance accounting procedure discussed below (other than for summer intersession courses). The annual annualizer is, of course, 1.0 and need not be computed.

Reference: CCFS-320

Weekly Student Contact Hour Procedure

1. Weekly student contact hour procedures may be applied to any credit course scheduled regularly with respect to the number of days of the week and the number of hours the course meets on each scheduled day and scheduled coterminously with the primary term. This is administratively interpreted to mean any course scheduled for the same number of hours (including TBA) for each week of the primary term, other than a shortened first week (not less than three days) and final examination scheduling, and inclusive of holidays.

Reference: ECS 84501, T5 58003.1(b), T5 58782

2. "Weekly student contact hours" (WSCH) shall mean the number of class hours each course is regularly scheduled to meet during a week, inclusive of holidays, multiplied by the number of students actively enrolled in the course. (For independent study or work experience education (credit courses, see item 6.a, page 13.)

Reference: T5 58003.1(b), 58004, T5 58782

3. A term length multiplier shall be determined for each primary term by counting each week in which at least three days of instruction and/or examination in term length courses are scheduled. Maximum term length multipliers are 17.5 and 11.67 for semester and quarter length terms, respectively. The minimum value for a term length multiplier is 10.

   a. As a general rule, the value of a term length multiplier is equal to the length (number of weeks) of the corresponding primary term, subject to the stated limits. The only exception to this rule is in the instance of two (semesters) or three (quarters) "non-flexible calendar" terms of nearly equal length and totaling 35 weeks. If the two terms are scheduled for 18 and 17 weeks (or vice versa), then the term length multiplier applied to each term would be 17.5. For three terms scheduled for 12, 12, and 11 weeks (or any combination thereof) the term length multiplier for each term would be 11.67.

Reference: T5 58003 1(b), T5 58004

   b. The exception in a., above, does not apply to any other calendar configuration. For example, 35 weeks scheduled as one 19-week term and one 16-week term would result in term length multipliers of 17.5 and 16.0, respectively.

   c. For any combination of terms totaling fewer than 35 weeks, each term length multiplier is equal to the length of each corresponding term, subject to the stated lower limit.

   d. Only one primary term can be operational during any given period of time. Any courses conducted during that period of time which are not coterminous with that primary term must be accounted for by use of the daily census procedure or by the positive attendance procedure.

   e. Any intersession (including summer) must be on daily census procedure or positive attendance.

4. Calculation of FTES from WSCH is generally as follows (Including courses of independent study [and distance education][credit], or work experience education, see item 6.a, page 13.):

Note: CW = Census Week WSCH
TLM = Term Length Multiplier

Calculation: Weekly Student Contact Hour Procedure

   a. First Period:

$$\frac{CW1 \times TLM}{525} \times \text{FTES Annualizer} = \text{FTES}$$

b. Second Period:

$$\frac{CW \times TLM + CW \times TLM}{525} \times \text{FTES Annualizer} = \text{FTES}$$

c. Annual Report:

$$\frac{CW \times TLM + CW \times TLM + CW \times TLM}{525} = \text{FTES}$$

Reference: ECS 84501, T5 58003.1(b), CCFS-320

5. Daily Student Contact Hour Procedure

a. Daily student contact hours procedure may be applied to any credit course scheduled to meet for five or more days and scheduled regularly with respect to the number of hours during each scheduled day, but not scheduled coterminously with the primary term (includes courses of independent study and work experience education (see item 6.a, page 13).

Reference: ECS 84501, T5 58003.1(c), T5 58782

b. "Daily student contact hours" (DSCH) shall mean the number of class hours each course is regularly scheduled to meet on each day multiplied by the number of students actively enrolled in the course. DSCH must be multiplied by the number of days the course is scheduled to meet (CLM) before they are reported on the CCFS-320.

c. Calculation of FTES from DSCH is on a course-by-course basis as follows:

Note: CD = Census Day DSCH

CLM = Course Length Multiplier

(1) First Period: July 1 - December 31 (exclusive of summer intersession)

$$\frac{CD \times CLM}{525} \times \text{FTES Annualizer} = \text{FTES}$$

(2) Second Period: January 1 - April 15

$$\frac{CD \times CLM + CD \times CLM}{525} \times \text{FTES Annualizer} = \text{FTES}$$

(3) Annual Report: April 16 - June 30

$$\frac{CD \times CLM + CDx\ CLM + CD \times CLM}{525} = \text{FTES}$$

(4) Calculation of FTES for Summer or Other Intersessions (from daily student contact hours) is as follows:

$$\frac{CD \times CLM}{525} = FTES$$

Reference: ECS 84501, T5 58003.1(c), T5 58782

6. Courses of Independent Study and Work Experience Education (includes credit or noncredit DISTANCE EDUCATION courses)

a. Credit Courses: For courses of independent study and work experience education (IS/WEE), one student contact hour shall be counted for each unit of credit for which the student is enrolled as of the census date or day.

Reference: ECS 84501, T5 58003.1(f)(1), T5 58782

b. Student contact hours (units) of enrollment for IS/WEE credit courses scheduled coterminously with the primary term are counted as of the census week and date as prescribed by T5 58003.1(b), and T5 58782 (weekly census procedures). The term length multiplier is the same as for all other primary term weekly census credit courses. (See computations for Weekly Student Contact Hour Procedure, pages 11 and 12.)

c. Student contact hours (units) of enrollment for short-term or intersession IS/WEE credit courses are counted as of the census day determined as prescribed by T5 58003.1(c) and T5 58782 (daily census procedure). (See computations for Daily Student Contact Hour Procedure, page 12.)

Student contact hours (units) of enrollment for short-term or intersession IS/WEE courses counted as of the census day may be multiplied by the same course length multiplier (or TLM) that produces the same total WSCH for the same student effort as would be generated in such courses conducted in the primary terms.

Reference: T5 58003.1(f)(1)

d. Noncredit Distance Education (independent study) Courses:

For any noncredit distance education independent study course, a weekly student contact hour (WSCH) factor is first calculated. The WSCH factor is used to calculate the student workload as of each of two census dates (one-fifth and three-fifths point in the length of each course).

(1) To derive the WSCH factor used to calculate FTES, total the number of hours of coursework required for a class as follows:

(a) The total number of hours of instruction or programming to be received by students in the class.

(b) The number of hours expected for any outside-of-class work (as noted in the approved class outline), plus

(c) Any instructor contact as defined by Title 5 Section 55376(b).

(2) Divide the sum total of the hours as determined in (1.), above, by 54 (a measure equating to a unit of credit similar to that used in credit distance education). The resultant figure is the WSCH factor which is multiplied by the number of students enrolled as of census day. The student contact hours thus derived are multiplied by a factor of 17.5. The factor of 17.5 is to be used no matter what length the course may be.

(3) Report the student contact hours for the noncredit distance education courses as of the two census dates. The average of the contact hours are divided by 525 to calculate FTES.

Calculations of student contact hours and FTES for Noncredit Distance Education:

(1) Determine WSCH (factor)(does not include student count):

EXAMPLE:

5.0	hours/week	instruction
10.0	hours/week	outside study
.5	hours/week	meeting with instructor
15.5	hours/week*	

*15.5 hours x 6 weeks (length) = 93 total hours

93 hours ÷ 54 (instructional measure) **= 1.722 (WSCH Factor)**

(2) Calculate FTES:

EXAMPLE:

First Census: (at 1/5 point) 24 students actively enrolled

1.722 (WSCH Factor) x 24 students x 17.5 = 723.24 Student Contact Hours

Second Census: (at 3/5 point) 20 students actively enrolled

1.722 (WSCH Factor) x 20 students x 17.5 = 602.70 Student Contact Hours

The average of the first and second census Student Contact Hours, divided by 525 equals the FTES:

$$\frac{(723.24 + 602.70)}{2} \div 525 = 1.26 \text{ FTES}$$

Note: In the computation of noncredit distance education FTES, the 17.5 used above as a multiplier, is a calculation factor, not a term-length-multiplier. This factor of 17.5 will be applied in the computation of FTES for such courses no matter what length the course may be, or whether a college is on the semester or quarter system.

Actual Hours of Attendance Procedure

1. The actual hours of attendance procedure (commonly referred to as "positive attendance") is based on an actual count of enrolled students present at each class meeting and applies to the following types of courses:

Reference: T5 58003.1(d),(g)

a. Short Term Credit Courses. Credit courses scheduled to meet fewer than five days.

b. Irregularly Scheduled Credit Courses. Credit courses scheduled irregularly with respect to the number of days of the week and the number of hours the course meets on the scheduled days.

c. Open Entry/Open Exit Courses. All open entry/open exit courses.

Reference: T5 58003.1(e)

d. In-service Training Courses. Such credit courses, regardless of length, for police, fire, corrections and other criminal justice system occupations.

Reference: T5 58051(g)

e. FTES for any credit course, except for independent study and work experience education, may, at the option of the district, be computed using actual hours of attendance procedure.

Reference: 58003.1(g)

f. Noncredit Courses. All specified noncredit courses.

Reference: ECS 84757, T5 58003.1(e)

g. Apprenticeship Classes of Related and Supplemental Instruction. Applicable only to other than indentured apprentice students in classes of related and supplemental instruction. (See Chapter 5 for apprentice student attendance accounting.)

Reference: Labor Code Section 3074, T5 58006, T5 58008

h. Tutoring Courses. Such noncredit courses of individual student tutoring.

Reference: T5 58170

2. The full-time equivalent student (FTES) for actual hours of attendance procedure courses are computed by dividing the total hours of actual attendance accumulated for the reporting period by 525 and multiplied by the FTES annualizer at first and second reporting periods. The actual total FTES is reported on the annual report.

Reference: CCFS-320

Flexible Calendar Operations

The governing board of a district may offer, subject to approval of the Chancellor's Office, courses under a flexible calendar.

Reference: T5 58180, T5 58184

1. The academic year of a flexible calendar district must consist of at least 175 days of classroom instruction and at least 160 of these days must meet or exceed the standards for counting a day.

Reference: T5 58142, T5 58180

2. During the 175-day minimum academic year, not more than 8.57% of each instructor's contractual obligation for hours of classroom instruction may be designated for that individual to perform approved flexible-time activities. The percentage of release hours (and substituted hours) are based on the maximum number of hours or days approved in the college's flexible calendar plan. The 8.57% indicated above equates to 15 days.

Reference: T5 55726, T5 58180(b)

3. These other activities may be conducted at any time during the fiscal year as mutually agreed upon. The substituted hours must equal, at least, the total number of hours an instructor is released from his or her classroom instruction.

   The following information is to be reported:

   (a) The total of the instructors' release hours for courses in which the number of apportionment eligible hours of instruction are affected.

   (b) The total contact hours of scheduled instruction (actual teaching time) for the academic year, excluding intersessions, which include the contact hours of all faculty whether or not they have been designated to participate in "flexible time" activities.

Reference: T5 58188, CCFS-320F

4. The units of actual FTES generated in other than weekly census procedure courses during the academic year, exclusive of intersessions, are adjusted by a computed flexible time adjustment (F) factor so as to provide the same level of FTES as would have been generated had the flexible time not been permitted and regularly scheduled instruction had taken place.

The release (F) factor categories are:

a. Daily census credit courses

b. Independent Study/Work Experience Education courses (daily census)

c. Positive attendance credit courses

d. Noncredit courses

Instruction during the designated days meeting attendance accounting standards may be claimed for apportionment; and, the faculty contact hours shall not be eligible for adjustment.

5. For weekly census procedure courses, an adjustment factor will not be applied to the FTES reported on the CCFS-320. The weekly student contact hours as of the census date and day are multiplied by the primary term length multiplier that would have been used had there been no flexible time and regularly scheduled instruction had taken place.

Reference: T5 58188(c)

CHAPTER 4

AUDIT ACCOUNTABILITY

CHAPTER 4. AUDIT ACCOUNTABILITY

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CHAPTER 4

AUDIT ACCOUNTABILITY

General

1. Education Code Section 84040 requires the governing board of each community college district to provide for an annual audit of the financial records of the district. The audit must be made by a certified public accountant or a public accountant licensed by the State Board of Accountancy and performed in accordance with The California Community Colleges Contracted District Audit Manual. A verification of compliance with Education Code and Title 5 attendance accounting regulations is included in the scope of the audit. It is the responsibility of the Chancellor to make any adjustments in apportionments of state funds to correct any discrepancies revealed by the annual audit.

Reference: ECS 84040, T5 58300

2. Each district governing board is required to adopt procedures for course enrollment, attendance and disenrollment documentation, including rules for retention of support documentation which would enable independent determination regarding accuracy of data submitted by the district as a basis for state support. Adopted procedures shall be so structured as to provide for adequate internal controls.

   When multiple documents are used to support claimed attendance, administrative procedures need to be explained to auditors. Whether multiple documents are used to support claimed attendance or not, the responsibility to document enrollment, attendance, and disenrollment procedures in accordance with this section remains with the district.

Reference: T5 58030, Admin.

3. Suggested information to supplement the documentation of each course as described below should include, but is not necessarily limited to, the following:

   a. Signature of the instructor on all primary attendance accounting documents as a certification of a true and accurate accounting.

   b. A statement of residency for each student, as appropriate. (See Chapter 2.)

   c. Any pertinent information concerning courses which have atypical characteristics relative to the contact hours claimed (e.g., lab hours, hours to be arranged [TBA], intercollegiate athletics, field trips, etc.).

Reference: Admin.

4. Each community college district shall maintain an official procedure to ensure compliance with Article 1, Subchapter 1 (commencing with Section 58000) of Division 9 of Title 5 of the California Code of Regulations:

a. **Census Day or Date.** (See Chapter 1.)

Reference: T5 58003.1(b),(c)

b. Drop Date. (See Chapter 1.)

Reference: T5 58004

c. **Inactive Enrollment** in a course is defined as follows:

(1) As of each census day or date: any student who, according to published college regulations, has

(a) Been identified as a no show, or

(b) Officially withdrawn from course, or

(c) Been dropped from course. A student shall be dropped if no longer participating in the course, except if there are extenuating circumstances. Definitions of nonparticipation shall include, but not be limited to, excessive unexcused absences as specified in procedures adopted by each local governing board pursuant to Title 5 Section 58030. (See Note, below)

Reference: T5 58004

d. Extenuating circumstances are verified cases of accidents, illness, other circumstances beyond the control of the student, and other conditions defined by the local governing board and published in college regulations.

e. Minimum requirements of the procedure adopted by the local governing board pursuant to Title 5 Section 58030 for adds and drops shall be:

(1) Identification of student by name and number

(2) Type and date of transaction

(3) Documentation of origin of transaction by means of:

(a) Signature of student, or

(b) Signature or initials of instructor or other authorized person, or

(c) Other record identifying originator of transaction.

Note: An earlier decision, regarding one of the conditions of inactive enrollment, listed above, made by either a student or his/her instructor will determine when the student ceased to be actively enrolled. Title 5 Section 58004(c) gives equal

weight to both student withdrawals and instructor drops. Districts cannot give preference to one type of determination.

Deadlines used to submit attendance forms for processing have no effect on drop dates. Determining that students are actively enrolled and submitting that information for processing are two independent activities. Consequently, changing the time period when faculty should submit attendance forms does not change when students become inactive. Districts are responsible for developing the administrative attendance procedures, including when information should be submitted for processing.

Reference: T5 58004, Admin.

Audit Resolution Process

1. The Chancellor shall review each district's annual audit to determine whether the reports contain citings which may warrant further investigation.

Reference: ECS 84040, T5 58300ff

Further investigation is warranted when the district has:

a. Failed to comply with attendance accounting standards, or

b. Violated rules and regulations defining limitations on state support, or

c. Failed to comply with any standard monitored by means of a compliance question.

Reference: T5 58302

2. Prior to action to recover funds or other corrective measures, a district shall be given the opportunity to respond by presenting information which might mitigate or refute any audit citing selected by the Chancellor for further investigation.

Reference: T5 58304

3. If, upon reviewing a citing, the district's response and any other available information, there is a need for corrective action to resolve a citing, the Chancellor may require the district to do one or more of the following:

a. Submit a corrected apportionment claim,

b. Implement procedures to ensure future compliance with rules and regulation in question, or

c. Report periodically to the Chancellor on the status of actions taken to comply with rules and regulations.

4. If, upon reviewing a citing, the district's response and any other available information, the Chancellor finds there is no need for corrective action to resolve the citing, the district shall be informed as expeditiously as possible.

Reference: T5 58306

5. A district shall be held harmless against any audit citing not resolved within five years of the time the citing was first presented to the district governing board. Until that time, the district shall retain all primary and support documentation which might need to be reviewed by the Chancellor to verify any claim for apportionment.

Reference: T5 58308

Required Documentation Tabulations

1. For each reporting period defined in California Code of Regulations Section 58003.4, a separate tabulation is required for each course section. Requirements vary for each of the following course categories:

   a. **Census procedures:**

      (1) Weekly Census: Regularly scheduled credit courses scheduled coterminously with the primary term.

Reference: T5 58003.1(b), T5 58782

      (2) Daily Census: Regularly scheduled credit courses, five or more days in length, and not scheduled coterminously with the primary term.

Reference: T5 58003.1(c), T5 58782

      (3) Independent Study: Credit and noncredit distance education (independent study) courses and work experience education courses scheduled coterminously with the primary term or short term courses.

Reference: T5 58003.1(f)

   b. Actual hours of attendance procedure courses (FTES generating).

Reference: T5 58003.1(g), T5 58003.2

   c. Apprenticeship classes of related and supplemental instruction.

Reference: T5 58020ff, T5 58024, CCFS-321

2. Each tabulation shall include a summary of hours claimed by residency category as specified on Form CCFS-320 and a grand total.

a. For courses subject to census procedures, a separate course section tabulation is required for each of the census categories. Each tabulation shall provide a detailed listing (in one cohesive document) for each census day or date as follows:

(1) Identification for either weekly census or daily census:

(a) Static course identifier code

(b) Section identifier code

(c) Title

(d) Method of instruction code

(2) Number of days the daily census course is scheduled to meet or number of weeks the weekly census course is scheduled to meet.

(3) Number of class hours each daily census course section is regularly scheduled to meet (including TBA) on the census day, or the number of class hours (including TBA hours) each weekly census course is regularly scheduled to meet during the census week.

(a) For courses other than independent study and work experience education, each listing will include:

- Regularly scheduled contact hours
- Hours to be arranged (TBA)
- Total contact hours scheduled per day or week

(b) For courses of credit distance education (independent study) and work experience education, each listing will include the range of units of credit enrolled as of the census day or date.

(c) For noncredit distance education courses, each listing will include the calculated WSCH factor for students enrolled as of each census day (2 for each course).

(4) Beginning and ending dates of course section.

(5) Date of census days.

(6) An alphabetical list of each student actively enrolled in each course section indicating:

(a) Name (last, first, initial)

(b) Student identification code

(c) Residency category as specified on Form CCFS-320

(d) Scheduled contact hours per week or per day (or units of credit for which each student is enrolled in independent study or work experience education courses)

b. Each tabulation shall also provide a grand total of student contact hours generated by residency category.

Reference: T5 58003.1 (f), T5 58020, T5 58782, ECS 68040

3. For actual hours of attendance procedure courses each course section tabulation shall provide a detailed listing (in one cohesive document) as follows:

a. Identification:

(1) Static course identifier code

(2) Section identifier code

(3) Title

(4) Method of instruction code

b. Number of days the course section is scheduled to meet.

c. Number of class hours the course section is scheduled to meet.

d. Beginning and ending dates of course section.

e. An alphabetical list of each student enrolled at any time during the course section indicating:

(1) Name (last, first, initial)

(2) Student identification code

(3) Residency category as specified on Form CCFS-320

(4) Actual student hours of attendance

Reference: T5 58022

4. For independent study or work experience education courses each course section tabulation shall provide a detailed listing as follows:

a. Identification:

(1) Static course identifier code

(2) Section identifier code

(3) Title

(4) Method of instruction code

b. Number of weeks the course section is scheduled to meet.

c. Beginning and ending dates of course section.

d. Census day or date.

e. An alphabetical list of each student actively enrolled in each course section indicating:

(1) Name (last, first, initial)

(2) Student identification code

(3) Residency category as specified on Form CCFS-320

(4) Scheduled units of credit for which student is enrolled at the census day or date

Reference: T5 58003.1(f), T5 58020

5. For apprenticeship courses of related and supplemental instruction pursuant to Labor Code, Section 3074, each course section tabulation shall provide a detailed listing as follows:

a. Identification:

(1) Static course identifier code

(2) Section identifier code

(3) Title

(4) Method of instruction code

b. Number of days the course section is scheduled to meet.

c. Number of hours of 50 through 60 minutes each course section session is scheduled to meet.

d. Beginning and ending dates of course section.

e. An alphabetical list of each student enrolled during the course section indicating:

(1) Name (last, first, initial)

(2) Student identification code

(3) Actual hours of 50 through 60 minutes of attendance

f. A grand total of actual hours of 50 through 60 minutes of attendance.

Reference: Budget Act, T5 58024, CCFS-321

Record Retention and Destruction of Records

1. Each college district shall establish an annual review procedure by which documents and papers received or produced during the prior academic year are classified as Class 1-Permanent, Class 2-Optional, or Class 3-Disposable.

2. Records originating during a current academic year shall not be classified during that year.

3. Records of a continuing nature, i.e., active and useful for administrative, legal, fiscal, or other purposes over a period of years, shall not be classified until such usefulness has ceased.

Reference: T5 59022

Class 1-Permanent Records

The following records have been classified as Class I-Permanent Records, and as such, shall be retained indefinitely unless photographed, microphotographed, or otherwise reproduced on film:

a. Annual Reports

(1) Official budget

(2) Financial report of all funds, including cafeteria and student body funds

(3) Audit of all funds

(4) Full-time equivalent student (FTES), including First Period, Second Period, Annual and all corrections

(5) Other major annual reports, including:

(a) Those containing information relating to property, activities, financial condition, or transactions

(b) Those declared by board minutes to be permanent.

b. Student records consisting of the following:

(1) The records of enrollment and scholarship for each student. Such records of enrollment and scholarship may include but need not be limited to:

(a) Name of student;

(b) Date of birth;

(c) Place of birth;

(d) Name and address of a parent having custody or a guardian, if the student is a minor;

(e) Entering and leaving date for each academic year and for any intersession;

(f) Subjects taken during each year, half year, intersession or quarter;

(g) If grades or credits are given, the grades and number of credits toward graduation allowed for work taken.

(2) All records pertaining to any accident or injury involving a student for which a claim for damages has been filed as required by law, including any policy of liability insurance relating thereto, except that these records cease to be Class 1- Permanent Records one year after the claim has been settled or after the applicable statute of limitations has run out.

Reference: T5 59023

Class 2-Optional Records

Any record worthy of further preservation, but not classified as Class 1-Permanent, may be classified as Class 2-Optional and shall then be retained until reclassified as Class 3-Disposable.

Reference: T5 59024

Class 3-Disposable Records

All records, other than Continuing Records, not classified as Class 1-Permanent or Class 2-Optional, shall be classified as Class 3- Disposable. Generally, a Class 3-Disposable record, unless otherwise specified in this Chapter, should be destroyed during the third school year after the school year in which it originated (e.g., 1992-93 plus 3 = 1995-96).

Reference: ECS 84040, T5 59025

The following descriptions of records are classified as Class 3-Disposable Records:

a. Records Basic to Audit, including those relating to attendance, full-time equivalent student (FTES), or a business or financial transaction (purchase orders, invoices, warrants, ledger sheets, canceled checks and stubs, student body and cafeteria fund records, etc,.), and detail records used in the preparation of any other report.

b. Periodic Reports, including daily, weekly, and monthly reports, bulletins and instructions.

Retention Period for Records Basic to an Audit

A Class 3-Disposable record shall not be destroyed until after the third July 1 succeeding the completion of the audit required by Education Code, Section 84040 requirement for annual audit or of any other legally required audit, or after the ending date of any retention period required by any agency other than the State of California, whichever date is later.

Reference: T5 59026

Microfilm Copy

Whenever an original Class 1-Permanent record is photographed, microphotographed, or otherwise reproduced on film, the copy thus made is hereby classified as Class 1-Permanent. The original record, unless classified as Class 2-Optional, may be classified as Class 3-Disposable, and may then be destroyed in accordance with this chapter if the following conditions have been met:

a. The reproduction was accurate in detail and on film of a type approved for permanent, photographic records by the United States Bureau of Standards.

b. The chief executive officer, or the designee of that officer, has attached to, or incorporated in, the microfilm copy or system a signed and dated certification of compliance with the provisions of Section 1531 of the Evidence Code, stating in substance that the copy is a correct copy of the original, or a specified part thereof, as the case may be.

c. The microfilm copy was placed in an accessible location and provision was made for preserving permanently, examining and using same.

Reference: T5 59022

Destruction of Fiscal Records

For the destruction of records please refer to the California Code of Regulations, Title 5, Chapter 10, Article 3 the Procedures for Destruction, commencing with Section 59027.

Reference: T5 59027ff

CHAPTER 5

ACCOUNTING PROCEDURES FOR APPRENTICESHIP COURSES OF RELATED AND SUPPLEMENTAL INSTRUCTION

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ACCOUNTING PROCEDURES FOR APPRENTICESHIP COURSES OF RELATED AND SUPPLEMENTAL INSTRUCTION

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CHAPTER 5

ACCOUNTING PROCEDURES FOR APPRENTICESHIP COURSES OF RELATED AND SUPPLEMENTAL INSTRUCTION

General

The Budget Act specifies that for funding of apprenticeship classes of related and supplemental instruction conducted pursuant to Section 3074 of the Labor Code, no community college district shall use funds available to offer any new apprenticeship training unless the program has been approved by the Chancellor. In effect, this means that a district may not exceed the prior fiscal year apprentice hour level with a general expansion in new or existing programs without prior approval.

Reference: Budget Act

Definition

The term "indentured apprentice" means a person at least 16 years of age who has entered into a written agreement with an employer or his agent, an association of employers, or an organization of employees, or a joint committee representing both.

Reference: Labor Code Section 3074, ECS 8150-8154

Attendance

a. Attendance accounting in any class identified as an apprenticeship class of related and supplemental instruction maintained pursuant to Section 3074 of the Labor Code must be on a positive attendance basis.

b. The student workload measure for indentured apprentices enrolled in apprenticeship courses is determined on the basis of each hour of teaching time devoted to each indentured apprentice of 50 through 60 minutes (each hour of teaching time may include up to 10 minutes of passing time). Hours generated by indentured apprentices in such classes are to be reported separately on Form CCFS-321, "Apprenticeship Attendance Report."

Reference: Labor Code Section 3074, ECS 8152

Data supporting apprenticeship hours of instruction is subject to the same audit trail requirements as apportionment FTES.

Reference: T5 58024, T5 58030, CCFS-321

Computation of Apprentice Hours

The formula for computing "hours" of instruction is as follows:

Number of Indentured Apprentices Present	x	Each period of instruction of 50 through 60 minutes	=	Apprentice Hours of Instruction
Apprentice Hours	x	Reimbursement Rate	=	State Aid

Reference: ECS 8152

c. Because apprenticeship courses do not generate FTES and the general FTES rule (as specified in Title 5 Section 58010) does not apply to the reporting of apprentice hours, we are administratively directing you to report actual hours generated in apprenticeship courses through December 31 on the first period report and through April 15 on the second period report, whether or not the courses have been completed prior to those cutoff dates.

d. For purposes of counting hours for isolated apprentices (not in a classroom setting, those who cannot attend classes because of geographic location, or because there are too few to organize a class for), each individual who completes the training course generates the same number of hours as if instructed in a classroom, namely, whatever the maximum hours of training required by that trade (usually 144 hours).

If an apprentice fails to complete the course, then the instructor of record makes a determination of what portion of the total program was completed and the funded hours proportionately adjusted.

The reimbursement rate for isolated apprentices is the same as for all other apprentices.

Reference: ECS 8152

e. Attendance of students other than indentured apprentices in classes of related and supplemental instruction continue to generate FTES based on the "class hour" concept.

Reference: T5 58022, CCFS-320

f. Indentured apprentices enrolled in any course or activity other than those directly related to their required apprenticeship related and supplemental instruction, including programs of work experience, generate FTES and are included when reporting student contact hours on form CCFS-320, "Apportionment Attendance Report."

Reference: T5 58022, CCFS-320

Attendance of apprentices, as defined by LCS 3074, who are enrolled in any college course which is part of the apprentice's required related and supplemental instruction, is to be reported as positive attendance on the CCFS-321, Apprenticeship Attendance Report.

Reference: T5 58024, CCFS-321

g. For reporting purposes, any indentured apprentice officially enrolled in an apprenticeship class of related and supplemental instruction is a state "resident."

Reference: ECS 72243

h. No charges or fees shall be required to be paid by a resident or nonresident apprentice, or by his or her parent or guardian, for admission or attendance in any course of activity which is offered pursuant to LCS 3074, and in accordance with the instructional hours requirements for the apprentice.

Reference: ECS 72243

Funding

1. The apprentice hours funded for the prior year will establish the district's base hours for the subsequent year. If a district reports apprentice hours of instruction above its base hours, a deficit could occur in the district's apprenticeship growth funding. If the total hours generated exceed the funds available statewide, and since districts are not provided a specific apprenticeship growth rate similar to their FTES cap (percentage change in adult population), growth will be allocated on the basis of the percentage of total hours above the base that can be fully funded with available resources at the appropriate fiscal year rate.

2. The Budget Act and Education Code require transfer of funds when there are transfers of apprenticeship programs between community college districts and school districts or county offices of education. The following requirements are necessary to carry out the provisions of law:

Reference: ECS 8156

a. The new provider of the service must notify the former provider about the transfer, listing the specific program(s), with copies to the Chancellor's Office, California Community Colleges and the California Department of Education.

b. The chief executive officer of the former provider of service must certify to the Chancellor's Office and California Department of Education, by specific program, the apprenticeship hours of related and supplemental instruction generated and reported for state support for the prior fiscal year, with a copy to the new provider.

c. After the above actions have occurred, and it is necessary that the funds be transferred between the Chancellor's Office and California Department of Education, the appropriate state agency will initiate the transfer of funds to the other state agency, after evidence of appropriate program approval, through certification to the State Controller.

d. Transfer of apprenticeship programs and corresponding "base hours" between community college districts will be done by the Chancellor's Office.

Reference: ECS 8156, Admin.